STATE OPENING AND FIRST MEETING OF THE (1991) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON MONDAY, 18TH FEBRUARY, 1991

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON D R FOSTER, MBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON D R BARWICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON V G JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON T M BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON J M BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON C H BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON J B MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

| | |
|---|---|
| MR J G SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR D D EVANS * | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR B O EVANS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR W S BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS A M BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT C L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT M E KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR C EVANS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

* Absent in the p.m.

...ORDERS OF THE DAY

MONDAY, 16th FEBRUARY, 1981 - 10 a.m.

1. STATE OPENING ( SEE PROGRAMME ATTACHED)

RESUMPTION OF THE HOUSE

2. QUESTIONS:-

MISS ANNIE H.BODDEN,O.B.E., OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.1: Will the Member consider instituting a daily police patrol on foot in George Town, particularly in the commercial area during back hours?

MISS ANNIE H.BODDEN, O.B.E., OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.

NO.2: Some 30-odd years ago certain Crown Lands were leased at a yearly nominal rate of $100 and over the years sub-leased - one of the stipulations of the Head Lease being to build an hotel on and develop the demised lands on a holiday resort.
Will Government consider investigating that the use of the demised premises by sub-lessees are for the purposes as stated in the Head Lease?

MISS ANNIE H.BODDEN, O.B.E. OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO.3: Will the Member state if the monthly allowance to the four Executive Councillors has been increased and if so, will he state the rate?

CAPT. MARK S. KIRKCONNELL OF CAYMAN BRAC TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND TRADE

NO.4: Will the Member make a statement concerning air-freight rates by Cayman Airways Limited's DC9 which are -

Miami/Grand Cayman - 18¢ US a pound
Miami/Cayman Brac - 19¢x.12¢ US - 30¢ US a pound.

CAPT. CHARLES L. KIRKCONNELL OF CAYMAN BRAC TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION.

NO.5: The Port Area is becoming congested because trailers and/or containers are being parked and stacked on the apron of the dock. Will the Member state what consideration is being given to solving this congestion?

3. GOVERNMENT BUSINESS:-

BILLS:

| | | |
|---|---|---|
| (a) The Grand Court (Amendment) Law, 1981 | - | First & Second Readings |
| (b) The Juvenile (Amendment) Law, 1981 | - | do. |
| (c) The Summary Jurisdiction (Amendment) Law, 1981 | - | do. |
| (d) The Traffic (Amendment) Law, 1981 | - | do. |
| (e) The Printing of Papers Law, 1981 | - | do. |
| (f) The Public Health Law, 1981 | - | do. |

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MONDAY, 16TH FEBRUARY, 1981

10:00 A.M.

MR. PRESIDENT: The Assembly is in session. I shall ask the Rev. Ralph Pickering to say prayers.

PRAYERS

REV. RALPH PICKERING: 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 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. And now as our Saviour Christ has taught us, let us pray together the Lord's prayer:-

Our Father, which 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.

Now may the Lord bless us and keep us: the Lord make His face to shine upon us and be gracious unto us: the Lord lift up His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.

CLERK: PROCLAMATION NO.3 OF 1981
BY HIS EXCELLENCY THOMAS RUSSELL,
COMPANION OF THE MOST DISTINGUISHED
ORDER OF ST. MICHAEL AND ST GEORGE,
COMMANDER OF THE MOST EXCELLENT ORDER
OF THE BRITISH EMPIRE,
GOVERNOR OF THE CAYMAN ISLANDS.

WHEREAS by subsection (1) of section 48 of Schedule 2 of the Cayman Islands (Constitution) Order 1972, it is provided that the session 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, Thomas Russell, Companion of the Most Distinguished Order of St. Michael and St. George, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, DO HEREBY PROCLAIM AND MAKE KNOWN THAT A SESSION OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS shall be held at the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10:00 am on Monday the 16th day of February, One Thousand Nine Hundred and Eighty One.

Given under my hand and the Public Seal of the Cayman Islands at George Town on the Island of Grand Cayman this Fifteenth day of January in the year of our Lord One Thousand Nine Hundred and Eighty One in the Twenty Ninth Year of the Reign of Her Majesty Queen Elizabeth II.

GOD SAVE THE QUEEN.

HIS EXCELLENCY THE GOVERNOR:

HONOURABLE MEMBERS OF THE LEGISLATIVE ASSEMBLY.

The Throne Speech traditionally marks the Opening of each Session of the Legislature. Despite the postponement of the 1981 Budget to this meeting, I have decided to move the opening of Sessions to the first meeting in the calendar year. This will inevitably mean a heavy workload in the Assembly for this meeting, but as subsequent Budget presentations, until 1984, will be made at the end of each year, the two major debates on the economy will not again coincide during the life of this Assembly.

My colleague, the Honourable Financial Secretary, will in the course of his Budget Speech be outlining the significant progress made by the Cayman Islands since the inception of the Constitution in 1972. He will also be covering statistical material with his customary thoroughness. I intend, accordingly, after a few brief remarks on progress in 1980, to coalesce performance in the past year with plans for 1981 under each of the seven portfolios, and finally to reflect upon two subjects which are likely to call for some review of policy during the life of this House.

The Past Year - 1980

1980 will be remembered not only for the General Election, but as the year of the most significant growth in the history of these Islands, a year of full employment, of a construction and real estate boom, and of revenues to the Exchequer far in excess of estimates.

Financial centre operations expanded with banks and trust companies increasing from 231 in 1979 to 321 at the end of 1980 - a growth rate of 11%; companies registered in the same period increased from 10,500 to 12,120 - a growth rate of 15%.

Revenue from 7½% stamp duties on real estate transactions totalled CI$6.3 million, indicating a value of real estate transactions of CI$71 million. Planning approvals for the year exceeded CI$120 million with construction begun on more than 60% of the projects, indicating continued construction activity at current levels for at least another 18 months.

120,817 tourists arrived by air in 1980 compared with 100, 587 in 1979 - a growth of 19.8%. There was a small increase in cruise ship passengers from 80,030 in 1979 to 81,022 in 1980 - a growth of 3.8%. These figures must be considered against a background of acute competition from tourists to Caribbean destinations and a recession in the industry in most countries of the Caribbean: they reflect both the reputation of the local industry and the efficiency of marketing methods by the portfolio concerned and the Department of Tourism.

Although the possibility of a shore-based oil trans-shipment terminal on Little Cayman has now receded, ship to ship transfers increased from 48.2 million barrels in 1979 to 74.3 million barrels in 1980.

George Town Port, because of the construction boom, increased tonnages handled from 40,000 tons in 1979 to 115,000 tons in 1980 - the projected level for 1990.

I referred earlier to the effects on government revenues. The following figures give some idea of the buoyancy of the Exchequer.

| | Estimated Revenue 1980 CI$ | Revised Estimated Revenue 1980 CI$ |
|---|---|---|
| Total Revenue | 22.7 m | 32.8 m |
| Customs Revenue | 9 m | 13.1 m |
| Postal Revenue | 3.5 m | 5.7 m |
| Company Fees | 3.7 m | 4.2 m |
| Bank and Trust Licences | 3.6 m | 2.0 m |
| Immigration Fees | 60,000 | 730,000 |

At the close of the 1979 accounts, and after a further payment to reserves, government reserves totalled CI$ 7 million. At the end of 1980, the estimated further surplus is CI$ 6.4 million.

## PORTFOLIO PERFORMANCE AND PROJECTS

### INTERNAL AND EXTERNAL AFFAIRS

#### Cayman Brac and Little Cayman

Mr. Gilbert McLean acted as District Commissioner for the greater part of 1980, being succeeded by Mr. James Ryan in October. During the month of August Cayman Brac was struck by Hurricane Allen, which put out of commission the electricity and telephone distribution systems, destroyed a small number of houses and severely damaged others including the Buccaneers Inn, Tibbart and other business properties. Fortunately there was no loss of life or injury. A prompt damage survey by the Acting District Commissioner, the speedy arrival of HMS Scylla to assist, the success of an Appeal mounted by the Cayman National Bank, generous settlement of insurance claims, but not least the traditional response of Cayman Brackers to emergency and prompt financial support from the government resulted in the island being back to normal within three months of the incident. Valuable lessons were learnt for the future by those concerned with organising relief, whose organisation responded well to the emergency.

Good progress was made with works projects, which included completion of construction of a cargo shed at the Creek and a ramp leading to the existing dock. A 1,200' extension of the Gerrard Smith Airport was completed to high standard using EEC funds and a beginning was made with local resources to divert the cross-tunular road at the end of the lengthened strip so as to allow a further 1,000' extension for which the initial land clearing was completed. Greater progress would have been made with this and the new Administration Building had it not been necessary to divert Public Works Department activities to repairing damage left by Hurricane Allen. Plans for a new dock to be financed jointly by the Caribbean Development Bank and local funds were completed and pre-selected contractors have been invited to tender for the project.

The 1981 works programme will continue with the same impetus. As well as the new port facilities and completion of the widening and extension of the Gerrard Smith airfield, (including runway lighting, terminal building and apron fencing, and the provision of a second generator), it is hoped to complete the Administration Building. Provision is being sought for the West End Channel jetty to be extended, for a ramp at Stake Bay, and jetty replacement at Little Cayman. CI$ 119,000 is being bored for new vehicles and heavy equipment. The road from Northeast Bay to Watering Place will be asphalted and the roads on the south coast and Little Cayman will be oiled and sealed. Improvements will be made to the Cayman Brac High School and primary schools and a public address system will be installed in the Ashton Bodden Civic Centre.

Following the 1980 General Election, for the first time since 1972, the elected membership of Executive Council did not include an elected member from Cayman Brac and Little Cayman. Responsibility for Local Administration was accordingly transferred to the Chief Secretary's portfolio, the Hon. Dennis Foster being a Cayman Bracker and a former District Commissioner. While this is unlikely to lead to any diminution

of services, as the 1981 estimates record, there is public concern on Cayman Brac that the 1980 allocation might be repeated in the 1984 General Election, and representations have been made by 187 residents for a change in the Constitution to ensure Cayman Brac and Little Cayman representation in the Executive Council in future. There are considerable ramifications in what appears to be a straight-forward and understandable proposal, including increased representation in the Assembly, possible proposals for other centres of population to have similar treatment, and the reluctance of the population as a whole to have any constitutional change at this time. The question will need understanding and careful analysis and the Foreign and Commonwealth Office will wish to have a considered local view before reaching decisions.

The Police Force

Mr. Andrew Graiff QPM CPM, who had served here for more than six years, was succeeded as Commissioner by Mr. E.J.E. Stevens during 1980, a year which saw considerable increase in the work rate through the expansion of so many sectors of the economy. A Superintendent from United Kingdom with particular skills commenced training in a Police Training Unit in January, and through recruit training and refresher courses it is planned to increase the efficiency of individuals officers. Other departments, such as immigration, customs and the fire service, which are from time to time concerned with law enforcement, will be encouraged to use the Unit.

A limited number of youths will be recruited into a Cadet Force, which can be developed to supply future recruits to the force, and the raising, training and organisation of a Special Constabulary, made up of public minded citizens available to support the Police Force in their routine duties in times of emergency, will be undertaken this year.

Traffic continues to be a serious problem despite measures taken by the Government to improve road safety, including street lighting, road marking and the setting of speed limits. The 1981 estimates contain proposals to expand the Department and increase the number of patrolling vehicles. Additional staff is also required to maintain a full 24 hour shift cover and to ensure that rural areas receive the attention which they would like.

Determination to stamp out the drug traffic has been reinforced by assistance from the United States, which has supplied and will continue to supply, professional assistance including undercover agents and the use of aircraft and ships in a co-ordinated operation in the Cayman Islands area. Our own marine Police cover has been improved and may be expanded.

The Prison Service

Following the elections, responsibility for the operation of the new prison at Northward was transferred to Mr. Foster's portfolio, while after-care remains with the portfolio of Health, Education and Social Services. The first phase of the new prison should be operational by April, when all male prisoners in the George Town prison will be transferred to it, and newly sentenced prisoners committed to it thereafter. It is planned to complete phase 2 before the end of 1981, when any long term prisoners now in Jamaica can be repatriated.

Gratitude is due to the Government of Jamaica for admitting our prisoners there since 1958. But expatriation and inability of next of kin to visit are claimed contrary to all modern penal practice and successive governments have supported the maintenance of our own institution as soon as funds could be allocated to it. The final allocation of British capital aid has assisted this goal to be achieved.

A highly experienced United Kingdom Prison Adviser has been appointed Director and the Commissioner of Police has relinquished, as he should, all responsibility for prisons. In the initial two years of operation, the Director will be assisted by 14 trained officers from the UK Prison Service. Their responsibility is to ensure that a

disciplined uniform regime is introduced and maintained in the first crucial years, and secondly to train the seamanny Caymanian staff on the job. There is no departure from Government's policy of localisation of the Civil Service - indeed the proposals are meant to ensure that at the end of two years there is a 100% trained and capable Caymanian Prison Service. All expatriate officers have been seconded or contracted for a maximum of two years.

Department of Broadcasting

Radio Cayman has shown good progress in all areas. The staff, mainly Caymanian, now number 14 and the station provides 121½ hours of service weekly in a varied format including up to seven newscasts a day on weekdays, six on Saturdays and five on Sundays. Programmes are varied and the local programme content is to be improved.

Revenue from advertising and sponsored programmes is expected to cover total recurrent costs in 1981.

Response from the general public, both within and outside the islands is positive and the Broadcasting Committee, as well as the Director, are committed to improving the cultural, entertainment, educational and religious content of the programmes.

Immigration Department

1980 has been one of the most difficult years for the department and the Caymanian Protection Board, with an unprecedented level of visitors and applications for employment.

There are two major setbacks in the department - inadequate office accommodation, which has been expanded, and modernisation of records - some of which will be computerised during 1981. Administrative procedures and manning levels are also being examined by an adviser from the United Kingdom recruited from British Executive Services Overseas.

A matter of equal concern to the department and the Caymanian public is the need to monitor and control the importation of labour and personnel to service the degree of economic activities and expansion permitted through government policies, the Central Planning Board and sponsorship by the private sector. Guidelines issued by the Government to the Caymanian Protection Board are kept under regular review. Despite the best efforts of the Caymanian Protection Board and the Department a number of employers, no doubt pressed by construction schedules, have on occasions turned a blind eye to the illegal employment of foreign labour. This not only tends to destroy control of the situation, but it is also a malaise which feeds on itself by creating a climate for visitors to come here in search of casual work. Law enforcement activities were accordingly stepped up in the latter part of 1980 and these will be maintained in 1981. Computerisation will make the task easier.

The Government is aware that, in an expanding economy controls must be exercised in such a manner that the key sectors of the economy and construction projects granted planning approval should not appear to be restricted by undue administrative delays or by over-rigid control of the length of stay of expatriate employees for whom there is a continuing need. The Government sees clearly the difference between professional and managerial staff on the one hand and semi-skilled and unskilled workers on the other; and between the restriction in numbers of persons granted Caymanian status and Permanent Residence and the requirement for semi-skilled and unskilled workers for a period commensurate with the economic needs at any one given time. The bulk of the local work force in this category is Caymanian. It has consequently approved a policy whereby certain professional and managerial staff will, if the need for them is established to the satisfaction of the Caymanian Protection Board, be entitled to Gainful Occupation Licenses for the period of their contract up to a maximum of three years, subject to renewal on a similar basis. For skilled, semi-skilled and unskilled workers there will be a compulsory roll-over period not longer than two years, at the end of which such workers must be repatriated and replaced, if a continued need exists, by other workers. In relation to employees who have resided in the Cayman Islands in continuous employment for substantial period, this policy will be

sympathetically applied, but application for Caymanian Status will, as hitherto, be for the discretion of the Cayman Protection Board within an annual quota decided annually by the Government.

The annual quota for Gainful Occupation Permits has hitherto included replacements and dependants. For 1981 both replacements and dependants have been excluded from the quota. A separate quota has been set for dependants. Provided that need is established to the satisfaction of the Board, replacement within the number of immigrant workers at December 1980 will be approved. The 1981 quota has been set as a percentage of the number in employment in 1980 to reflect the expected growth in the economy during the current year.

The Civil Service

The Government's policy of localization resulted in the promotion of a Caymanian Principal Secretary following the untimely and sad death of the late Bryan Lauer, and in the promotion of Caymanian officers as Director of Broadcasting and Director of Civil Aviation. Two of the three official members of Executive Council and the Legislative Assembly are Caymanians: all seven posts at Principal Secretary level are filled by Caymanians: 9 out of 11 full departments are headed by Caymanians: and 18 posts out of 22 heads of sub-departments, such as Treasury, High and Middle Schools, Audit etc, are held by Caymanians. Equally important is the number of Cayman officers with full professional qualifications in surgery, medicine and nursing, civil engineering, finance, police, computerization, who are poised for advancement in the system. The academic requirement for qualified entry into the clerical service enumerated in the Hall Revision of Salaries has imposed a temporary restraint on entry: but the growing number of candidates which will flow from the High School in the next few years should ensure upgrading of the educational levels of the service in the years to come. It is gratifying too that civil servants are, with financial assistance from government, availing themselves of the opportunity to improve their basic qualifications by attendance at the Community College.

In accordance with the recommendations in the Hall Revision of Salaries pertaining to future cost of living awards, an increase of approximately 10% has been approved for civil service salaries effective from 1st January, 1981 against an increase in the consumer price index of 14.3%. As is customary, pensions and allowances will be increased by the same percentage. The monthly allowance for members of the Legislative Assembly has been increased to $6,000 per annum and the allowance for elected Executive Council members raised to $18,204 per annum, after remaining unchanged for the preceding four years.

## LEGAL ADMINISTRATION

Throughout the year the Department continued to provide all Government Departments and agencies with legal advice and assistance and to conduct prosecutions and civil cases on behalf of the Crown. In coming months the Department will bear responsibility for supervision of the legal aspects of the various contracts and agreements forming an essential part of the formalities associated with the important capital developments which are to take place during 1981.

The 18 laws passed during the year 1980 were all drafted in the Department and a number of items of subordinate legislation were also prepared.

Among the more important of the laws referred to are the Banks and Trust Companies (Amendment) Law 1980, the Legal Practitioners (Amendment) Law, 1980, the Exchange Control (Repeal) Law 1980, the Local Companies (Control) (Amendment) Law 1980, the Insurance (Amendment) Law 1980 and the Mortgage (Amendment) Law 1980.

In 1981 it is hoped that the system for the training locally of persons wishing to become Attorneys-at-Law in the Cayman Islands will be firmly established. A foundation for the system was laid down by the Legal Practitioners (Amendment) Law 1980 and by Regulations which came into operation at the beginning of this year. It is intended that the system of training be a combination of practical experience in legal

work under articleship served in a local legal office and the successful passing of examinations in legal subjects set and marked by independent external examiners.

1981 will also see further progress in the work of bringing all legislation into one series of uniform loose-leaf volumes. This work is presently in the hands of Mr. J. Brian Wilkinson, an experienced draftsman, who took up his appointment in mid-1980. The Department also secured the services of Mr. John Furniss, as Crown Counsel, in March 1980.

FINANCE AND DEVELOPMENT

The increased level of economic activity in 1980 made heavy demands upon revenue collecting departments, and the Financial Secretary's portfolio was expanded by the appointment of a Superintendent of Insurance to monitor the increasing number of operations licensed under the Insurance Law. I have already quoted the figures for registration of banks and trust companies, companies and stamp duty collected. Ship registration continued at 1979 levels - 278 ships being registered, 7 more than in the previous year.

Financial control by the portfolio, by Principal Secretaries and Heads of Department now of high standard. Although revised recurrent revenue was 44.4% above estimates for the year and money was available to supplement expenditure for new posts approved against need, for maintenance and under-estimated provision, expenditure, after taking account of a transfer of CI$ 3.6 million to reserves (included in the CI$ 6.5 million already quoted), was held to 12% above the approved estimates. Total revised expenditure after taking account of the transfer to reserves exceeded estimated expenditure for the year by 6.2%.

Apart from a heavy forward of unspent balances amounting to about CI$800,000, British capital aid ceased on 1st April, 1980 and there was a gradual reduction of aid for supplemented Overseas Service Aid Scheme officers and Technical Co-operation Officers. In many cases for the first time the full cost of passages and baggage costs for families recruited in the United Kingdom and the greater proportion of gratuity costs fell on the local budget and a greater percentage of the capital programme is now met from loans funds than hitherto. The related costs of a full-scale salary review, amounting to approximately CI$1.5 million, were also absorbed during the year.

Yet capital expenditure of CI$6.3 million is a lot of money and it may be appropriate to summarise what has been obtained for this expenditure:

(a) the establishment of a domestic Fire Service for Grand Cayman;

(b) the opening of a Trade and Building School;

(c) the formation of the Agricultural and Industrial Development Board;

(d) the commencement of construction of a new administration building on Cayman Brac;

(e) the extension of runways at Owen Roberts and Gerrard Smith airports;

(f) the construction of a school for the handicapped;

(g) the continuation of the Middle School phased construction;

(h) the completion of a new surgical ward and the opening of a new paediatric block at George Town Hospital;

(i) the construction of new prison building.

The consumer price index figures for 1980 reveal a 14.3% increase and with most of our imports coming from the United States this trend is expected to continue. Of most concern is the inflationary pressure on the local economy of increasing rentals and land values, coupled

with a tendency by some developers to pay higher than market rates for labour. While construction, as far as can be predicted from building permits granted and starts made, is likely to continue at the present pace for at least another 12 months, prudence dictates that at least a proportion of what is windfall revenue should be retained against a turn-down in economic activity at some time in the future. The current level of customs duty, for example, reflects the large volume of construction material used for condominiums.

Substantial progress has been made during the year under the guidance of an adviser supplied by the United Nations Development programme in preparing programmes for computerisation of immigration, tourism, company registration and other statistics. This work is expected to be completed during the year and improvements in the availability and depth of information available to Members, to the Civil Service and the general public will soon be apparent.

## AGRICULTURE, LANDS AND NATURAL RESOURCES

### The Mosquito Research and Control Unit

December 1980 saw the 15th anniversary of the establishment of the MRCU, which has played a key role in the development of these islands. Mosquito collections have fallen from an average of 5,853 per night per trap in 1966 to 164 in 1980. In other words there were 700 mosquitos airborne in 1966 for every three you see today. But this calls for no slackening of effort, no reduction of priority and above all no slimming down of staff or expenditure. The loss of an aircraft last August severely impaired operations and the replacement aircraft plus another excavator are essential for future programmes. Primary physical control now covers all swamps from the Head of Bonkers to Newlands Mangrove. The extensive mid-island swamps are now the main challenge for the department.

### The Agricultural and Industrial Development Board

The Board administers loans for small industry using a loan of US$660,000 from the Caribbean Development Bank and for farm improvement and farm production credit using loans amounting to US$500,000 from the same source. The Member for Agriculture, Lands and Natural Resources is now Chairman of the Board, which began to operate from renovated offices in mid 1980. Seven loans to a total of CI$147,000 have so far been granted, of which one is an agricultural loan.

### Lands and Surveys

This Department was one of the busiest present in the service during 1980. Land transactions numbered 6,700 - an increase of 23% over 1979 and 41% over 1978. Stamp duty collected - $13m.A million - is a 20% increase on 1979 and 66% up on 1978. Condominium developers registered under the Strata Titles Law once double the previous highest figure, and a similar trend will continue in 1981.

A special Lands Tribunal was appointed in 1979 to hear land cases arising from the Cadastral Survey. Most of these cases have now been disposed of and the remaining ones are expected to be completed in 1981. Only a few Land Adjudication Appeals to the Grand Court remain to be heard and 1981 should see completion of residual matters surviving from the Cadastral Survey. The long-standing claims to land in the Duck Pond area were the subject of administrative settlement following on a resolution of the Legislative Assembly in 1980.

Restrictions through staff shortages of field surveys by the Department were compensated by greater activity in the private sector; but this did not apply to checking of all title surveys which continued unabated. The Department gave full field support to the Hydrographic Survey undertaken by the United States Naval Oceanographic Office, which will result in new charts of Cayman waters being available in 1981.

Staff shortages led to temporary closure of the print shop in late 1980, but there was no loss of efficiency or output in the drawing office. The seconded officer from the Directorate of Overseas Surveys completed his tour of duty, but will shortly be replaced.

The Caymanian Assistant Registrar attended a 13 week course in England in Middle Management in Lands and Survey Offices. A further Caymanian member of staff enters his third and final year of a diploma course in surveying in Jamaica. A local officer attended a course in drawing and cartography and lithographic printing at the Directorate of Overseas Surveys and at Rotaprint in England.

Frequent visits were paid to Cayman Brac by survey teams and staff members. In 1981 arrangements have been made for a member of the District Commissioner's office to visit Grand Cayman regularly at monthly intervals.

Planning Department

The Planning Department and the Central Planning Authority were another two organs of government which were severely stretched by the wave of applications for planning approval which came before them in 1980. 780 applications were considered and approved including tourist related apartments to a value of CI$74.6 million, the 320 room Paradise Cove Hotel complex, renewal of the permit for the 360 room Grand Hotel, further residential accommodation valued at CI$17.6 million, four major office and shop complexes valued at CI$8.7 million and two golf courses at Palm Heights and Prospect Park with related accommodation and amenities. At least 1,200 rooms in over 30 projects have been commenced or completed.

Developments of this magnitude have resulted in a diversion of labour from routine maintenance, repair and modification of the existing stock of buildings, and particularly in the George Town area there has been an increase in the amount of under-controlled, sub-standard accommodation and a decline in immediate environmental standards. Shortage of labour devoted to tourist related projects has made it difficult for local residents to build or expand dwelling houses and this problem is being tackled in the portfolio of Tourism, Aviation and Trade.

The current Development Plan was approved in July, 1977 and is due for revision by 1982. The situation is very different to that which pertained four years ago and in 1981 planning for infrastructure service on roads, water supply, drainage and sewerage will require review for ultimate incorporation in a revised plan. The preservation and protection of our coastal heritage, parks and recreation areas in the face of intense development in certain parts of Grand Cayman also require review. The aim of the revised Development Plan should be to ensure the preservation of the traditional shape of the islands while simultaneously encouraging promotion of development for the future.

Despite the absence of a Building Code, developers and contractors have generally shown remarkable responsibility in the execution of projects. An advisor is being brought in to complete initial work on a Building Code which has now become a necessity.

Agriculture

The Department of Agriculture continued its customary advisory service during 1980 and animal and plant health services have been extended to Cayman Brac. A planned programme for the experimental farm has been implemented and substantial funds are included in the 1981 estimates for its implementation. The work of the Department is buttressed by the activities of the Agricultural Society, the Farmers Society and the Garden Club, all of which maintain the enthusiasm of citizens devoted to farming, gardening and animal rearing.

In the private sector Bothwell's banana and livestock farm suffered substantial damage in Hurricane Allen, but was quickly restored. It provides the local market with 2,500 lbs of fruit weekly. Island vegetables of Northside, Turtle Farm at East End, the Tropical Fish Farm at Newlands and Mr. Otto Miller's honey production all continued in operation. The Cayman Poultry Farm, which meets 90% of the Island's demand for eggs, was purchased by Caymanian farmers in 1980.

The continued ban by the US Government on imports of farmed turtle products has had a most telling effect on the Cayman Turtle Farm's activities. Employees have been reduced from 100 to less than 30. The herd of 100,000 has been culled to less than 10,000 and will be reduced further to less than 8,000. Plans to retain most of the breeding stock intact is placing a heavy financial strain on the company, and the governments presently considering the possibility of a subsidy to assist the operation to survive over the next few years.

It is known that in their efforts to preserve the species the numismatist lobbies have reduced the world's stock of green turtle by 90,000; and had the farm carried on its expansion programme after securing a closed cycle operation, the herd might have now been two or three time the maximum level reached of 100,000.

## HEALTH, EDUCATION AND SOCIAL SERVICES

### The Health Service Department

Bed occupancy at the George Town Hospital was approximately 70% of capacity at the end of 1980 compared with 70% average for 1979. An interim increase of nine nursing staff was consequently approved. A Hospital Administrator was appointed in May 1980 and a part time Medical Officer was also appointed for Cayman Brac.

Environmental health services were improved by implementation of rodent control programme and operation of the George Town garbage dump. A Medical Officer of Health will be recruited in 1981. A Mini Public Health Law prepared with the assistance of Mr. Tom, whose services were generously provided by the United Kingdom Overseas Development Administration, will be presented at this meeting.

In maternal and child health, 64% of children have been vaccinated against six communicable diseases: the programme, designed to achieve 80% of children under two years by the end of 1981, will be continued. The nutrition programme has been expanded to include children in George Town and Bodden Town, in addition to those existing in West Bay and North End. A review of the programme was carried out in early 1980 and a second review is planned this year when further disorders, such as sickle cell disease, will be embraced in the programme.

Improvement in health services has been materially assisted by the World Health Organization, the Pan American Health Organization, the Caribbean Epidemiological Centre and the Caribbean Food and Nutrition Institute. Workshops and seminars have been held here, a new system of registration of births and deaths has been recommended and adopted and a survey of dental services carried out. In 1981 nutrition, health education and rehabilitation of the handicapped will be among priorities.

Caymanian personnel are making an increasing contribution through training and qualification to the efficiency of the Department. Caymanian members of staff are currently pursuing courses in medicine (both surgery and anaesthetics), medical technology, dental nursing, physiotherapy and nursing. A medical technologist and dental hygienist returned in 1980 and will be joined in 1981 by a radiographer, a pharmacist, a dentist and a public health nurse trained in community health.

### Department of Education

Pre-schools initiated by the National Council of Social Services were supplemented by pre-school additions to primary schools in 1980.

At primary level two new classrooms were added to the Creek Primary School, a reception block at Bodden Town primary school and additional classrooms are being added or are to be built at West Bay and Savannah primary schools. Increased staff have brought down the pupil/teacher ratios to a satisfactory level, the curriculum has been overhauled and text books standardised. Two Caymanian specialists joined the curriculum advisory team which introduced a programme of physical education under PE specialists to cover all primary schools. A school health service has been established and a primary school nurse appointed. Six school specialists have been appointed with tenancy as one of their main responsibilities.

Phase 2 of the Middle School was completed in time to receive the September intake. Phase 3 will be undertaken this year. A new year 1 intake joined the school in September doubling the school's enrolment. This year's intake will raise the roll to its full complement of 800. The operation of the three main system has been fully accepted and it is a tribute to the portfolio, educational planners and to the Public Works Department that 2/3 of a difficult transitional programme has been smoothly accomplished. A Middle School curriculum has also been introduced at the High School on Cayman Brac, the year 1 intake of 29 following courses designed for year 1 of the Grand Cayman Middle School.

At High School level an industrial arts block was added to the Cayman Brac High School and an administration block is under construction. On Grand Cayman a large canteen at the High School will be ready for use when the new school year begins. Having lost year 1 to the Middle School, the Cayman Islands High School can also to begin the transition to a senior high school. The sixth form was expanded by two new courses - computer studies and an advanced secretarial course. 17 students returned to the sixth form to study for the Pitmans Group Certificate Course designed to produce mature secretaries. Together with 34 Advanced Level students, these make up the largest sixth form in the school's history. On Cayman Brac a highly qualified and experienced headmaster has succeeded Mr. Egan on his promotion to Ministries Secretariat and the High School is being geared up to meet the special demands of its environment.

Schools Broadcasting

Under an agreement with UNESCO, a new producer assisted in strengthening and expanding the schools broadcasting service, to be improved progressively during 1981.

Teacher Training

In-service training of teachers continued with workshops organised by the Department and two week long seminars on education, management and mathematics with assistance from Sheffield City Polytechnic and the University of the West Indies. Most importantly, however, a School Management diploma course for senior Caymanian teachers will begin in April this year under the aegis of the Sheffield City Polytechnic. This will involve both part time study under a resident tutor and visiting lecturers over an 18 month period, followed by attachment to United Kingdom schools. This diploma will be of the same standard as in the UK and already 15 teachers have applied to take the course. Five teachers were given scholarships abroad during 1980.

Academic results

The National Achievement Test held in May indicated improved achievement over previous years. In 1981 the examination arrangements are to be improved by appointment of a steering committee and a panel of examiners.

Results of the Ordinary Level GCE and CSE examinations showed that examination achievement at the Cayman Islands High School is maintaining the high standard set in earlier years. 77 Grade 1 CSE passes, equivalent to GCE O level, were obtained, together with 224 O level passes. 20 students qualified for A level courses.

The Community College

In the sixth year, the College has had 400 enrolled. 20 varied classes were offered from computer studies to car maintenance. The introduction of Banks Part 1 last year enables students desiring the equivalent of four subjects at GCE A level to be accomplished in the student's spare time.

Scholarships

Eight new scholarships were awarded to school leavers bringing the total overseas on training to 64. Gratifyingly, 22 are enrolled in educational programmes - teaching being the greatest employer of expatriates in the public service.

Private Schools

The Cayman Preparatory School introduced its own Middle School programme in 1980 modelled by the government by leasing at low cost two annex buildings at the Cayman Islands High School. The private schools cater for 10% of the Colony's school population. The grant to them by government will be increased by 100% in 1981. There is good co-operation with the Department and private school teachers participate in in-service training and schools broadcasts. Pupils are encouraged to participate in sports activities organised by the Department.

The Youth for Youth School has suffered two severe blows with the death of Miss Wilma Moffitt, its principal, and Brother Ralf Arch, its founder and organiser.

International College of the Cayman Islands

This tertiary institution offered an increasing number of courses in 1980 and will continue to play its valuable part within the educational system.

Social Services

A policy statement - Social Services Policies, Roles and Information - was issued in 1980 designed to ensure that no citizen is without basic requirements. It included free medical care for pensioners and their spouses.

Two additional workers have been appointed. The National Council of Social Services had an outstanding year. The memorial to Caymanian sailors was unveiled and ground was broken for a home for senior citizens. The Pink Ladies Volunteer Corps was formed. The annual Family Fair Day was held and a successful radiothon raised the largest recorded contribution for charity work so far achieved in a single day. Ongoing projects included the Lighthouse School for the handicapped, the Caring Cousins scheme, pre schools and meals on wheels. Sonoventure House reaches a maximum intake of 18 boys and three boys continue to be educated and accommodated at Boys Town, Nebraska.

A full-time qualified librarian joined Mrs. Panton, Librarian at the Public Library, who subsequently retired in December, 1980. The library system has been modernised and the building itself given a face-lift with renovation, air conditioning, modern shelving and a brightly furnished children's corner.

The Census

The report of the 1979 Census has now been released I pay tribute to Mr. Kenneth Digby, attached to the government from the British Executive Services Overseas, for master-minding and supervising the complex operation with the efficient assistance of a team of local supervisors and enumerators. It would be inopportune to attempt here any analysis of a report rich in demographic information. But the following statistics are of signal importance. From a population of 15,667, 6,824 are between 1 and 16 years of age, while 1,672 are aged 60 or above. Taking the balance from 16-60 - 8,171 - as comprising the potential work force, there is an astonishingly high figure of 7,239 in gainful employment - or 87%. Of the work force only 30.9% are non-Caymanian, and the percentage of the work force on Gainful Occupation Licenses from other islands in the Caribbean totals 10.4%.

TOURISM, AVIATION AND TRADE

Tourism

The figures for visitors arriving by air and by sea have already been quoted and the percentage growth is not only the highest in the region, but also exceeded the Department's market projections, despite a softening of the US market in mid-year due to the state of the American economy and the presidential elections. This required an adjustment of promotional efforts which yielded good results. A look into 1981, with high interest rates affecting disposable income in North America, a volatile world

political situation and escalating oil prices, is not encouraging. Despite the dramatic projected increase in condominiums, not many will come onstream in time for the 1981 season. Special events in the slack season, such as Pirates Week and the Bill Rogers 10 km run, do assist and with an increased marketing effort the Department still expects to maintain a growth rate of about 12% this year. The reappointment of the Minister of Tourism as President of the Caribbean Tourist Association will provide valuable public relations spin-off for the Cayman Islands.

Work is presently progressing on a new tourism plan which will help government to chart an appropriate course for the industry. It is expected to be ready by May.

Civil Aviation

Aircraft movements at Owen Roberts airport increased 24.5% over 1979 to a total of 19,878. At the Gerrard Smith airport there were 3,808 movements, an increase of 2%. The Cayman Airways DC6 cargo aircraft now operates a regular cargo service to Cayman Brac, carrying 111,000 lbs in its first month of operation. On completion of the widening and lengthening of the Gerrard Smith airport, it is the intention of Cayman Airways to inaugurate a jet HAC 111 service between Grand Cayman and Cayman Brac, which will undoubtedly greatly improve the tourist potential of the sister islands.

The Civil Aviation Department has now taken over, under international agreement, air traffic control of 1,800 square miles of airspace over the islands for a height of three miles.

A feasibility study has been made with the assistance of CIDA for the construction of a new airport terminal facility. This will be analysed after the House rises and it is hoped that loan funds will be available for the project through the Canadian Export Credit Organization and the Caribbean Development Bank. Funds for a new terminal building at Cayman Brac are included in the 1981 estimates and runway lighting at both international airports will be replaced or installed.

The Fire Service:

The Domestic Fire Service was formed in January 1980 under the Chief Airport Fire Officer and was amalgamated with the Aerodrome Service in June 1980 as the Cayman Islands Fire Service under the aegis of the portfolio of Tourism, Aviation and Trade. The organization of the domestic Fire Service was a combined effort by government and the private sector, many business houses contributing towards the purchase of equipment. The Fire Brigade Law was passed to protect fire officers and the government against damage claims arising from fire fighting and to give the Fire Service emergency powers. Modern new equipment and a new rescue launch were purchased during 1980 and will be supplemented by further sophisticated vehicles in 1981. Inspection of buildings and training for fire prevention are regularly carried out. The Fire Service is undoubtedly one of the best equipped and efficient in the Caribbean.

The Marine Training School

Nine cadets completed deck and engineering courses in 1980 and are now at sea to complete necessary sea time before returning to sit their third mate and third engineers certificates, which have already been gained by three cadets with deep water experience. 13 fifth formers at the Cayman Islands High School attend the Marine Training School one day a week preparatory to taking employment at sea on leaving school. Arrangements have been made with overseas shipping companies to employ all students who successfully complete courses at the school. Navigational courses have also been specially run for officers of the Fire Service and for persons using small motor vessels.

The Hotel Training School

In early 1980 there was a limited response to attending courses, but there was an improvement in the last nine months of the year. Trained personnel in the restaurant and hotel business helped to make good some staffing difficulties.

The Labour Office

The post of Labour Officer is currently vacant, but will be filled as soon as possible. With the level of economic activity, full local employment and the necessary recruitment of foreign workers, the need for a modern employment law is becoming more pressing. Complaints and disputes between employers and employees have been informally resolved by the Labour Office and the Member, but there is a need for legal backing should any serious disputes arise in future years. The good relations between employers and workers and regular adjustments of salaries and wages in relation to increased prices are undoubtedly a major factor in the stability of the Islands and their reputation as an ideal place in which to conduct business.

Housing

The difficulty of would-be home owners to build houses; the need to upgrade and in some cases replace sub-standard housing; the shortage of maintenance workers and some facts on lack of amenities revealed by the 1979 Census have focussed attention on housing as an area of high priority attention. A committee has been established to examine the feasibility of establishing a Housing Authority and of attracting low interest funds for its operation. Future developers of condominiums will be expected to make a modest payment to government or to construct individual housing units to be vested in the Authority for rental or sale at cost as a contribution towards the raising of housing standards for Caymanians and as a less onerous requirement than being obliged to construct housing for immigrant workers whom they employ. Government funds may well have to be allocated during 1981, but efforts will be made to attract funds in the private sector so that during the year a physical start can be made once the initial planning has been completed. The quality of Caymanian housing has been high by Caribbean standards and it would be folly to allow the proliferation of luxurious housing for visitors to lead to declining standards and security for our own Caymanian population. I am sure that all Honourable Members will support this philosophy.

COMMUNICATIONS AND WORKS

The Public Works Department

The 1980 programme totalled $784.86 million. Road improvements included asphalt overlay surfacing in West Bay and South Sound, surface dressing in North Side, Bodden Town, Tropical Gardens, Prospect Park and mid Bay sub-divisions. A mile of new road was constructed along the cliff in East End and 4½ miles of street lighting with lights of 400 watt capacity were installed on the West Bay Road.

Airport runway extensions on Grand Cayman and Cayman Brac have already been mentioned. As well as widening and lengthening the runway at Cayman Brac, this year the Department will add 400' to the eastern end of the Owen Roberts airfield - expected to be completed by the end of May. Tribute is due to the supervising civil engineer, the works superintendent and the work force on Cayman Brac for completing the runway extension within estimated cost and to a high degree of technical performance.

Construction time for the Cayman Brac docking facility is estimated at 18 months to two years. Tenders for the project will be examined shortly.

Honourable Members are familiar with the pleasing appearance of the sea wall and the sidewalks at Harbour Drive and South Church Street, which have enhanced the look of a historic corner of George Town.

Construction of new buildings and improvements to existing ones have been carried under the portfolios mentioned. These do not, however, include a series of smaller jobs which require planning, funds and manpower. Upgrading of air conditioning in main buildings, computer installation, remodelling the Agricultural and Industrial Loans Board offices, construction

of cricket blocks, installing stand-by generators at Owen Roberts Airfield, completing work at the Faith Hospital are among the many assignments tackled by the Department.

The Department and its Cayman have well responded well to the challenge of monitoring the damage caused by Hurricane Allen on Cayman Brac, although the works programme there was inevitably set back by at least four months.

The draft estimates for 1981 include provision for capital expenditure of CI$13 million - a daunting figure. Of this CI$2.6 million is for purchase of equipment, furnishings and vehicles, while a further CI$4 million is likely to be allocated to valuable roadwork. But the residual works figure of CI$6.4 million in which the Public Works Department will be directly implicated is a formidable target and will allow no room for afterthoughts and supplementary projects.

Government Funding Scheme

The Government's stock of vehicles and plant was significantly upgraded in 1980. New purchases included an ambulance, a refuse truck and nine police cars. More sophisticated trucks and heavy equipment were purchased for the 1980 and 1981 works programmes. A policy of vehicle and equipment standardisation has been rigidly adhered to and the various makes of equipment are being steadily reduced. This policy will pay off in rationalising spare parts held and in mechanical training.

During 1981 emphasis will be placed on rearranging and replacing stocks of spare parts to reduce repair time and improve economic performance of vehicles.

The Post Office

1980 saw an increase of 11% to 7 million pieces of mail. 230 letter boxes were installed at the main Post Office. Negotiations with Washington have resulted in a reduced delivery time for surface mail from the United States from 3-4 months to 2-4 weeks. Universal Postal Union volunteers helped to reorganise and improve the philatelic bureau and international accounts. Two postal officers were trained in 1980 bringing the total so far to eight postal officers trained overseas. Licensed radio operators increased from 441 in 1979 to 439 in 1980.

Other Departments

I have not mentioned two departments of government as they do not have the same relationship with portfolios as other departments - the Judicial Department and our own Legislative Department. The Judicial Department has progressively rationalised the backlog of work which has been accumulating over recent years and justice here, by comparison with other countries, is relatively swift. We are fortunate too in the size and expertise of the Cayman Islands Bar. The Legislative department has provided the Assembly with service of marked efficiency and is currently operating without a substantive Deputy Clerk. A temporary appointment has been made until a permanent Deputy can be appointed in the usual way. There will be a heavy load upon the Clerk in the coming months preparing for the Regional Commonwealth Parliamentary Association Conference, to be held here in July.

I have two topics to mention before concluding. First, the challenge of rapid economic expansion. There is some concern in the community that the economy is growing too fast and that government services are not keeping up with private sector development. In every day life we are experiencing traffic jams, queues at the airport and government offices, difficulties in getting repairs carried out and delivery delays. To meet this problem other countries have applied rigid controls to mark time for a while and catch up. Unfortunately economic science is not exact enough to calculate this for the desired period, whether a year or two years. Recessions grow upon themselves and the Cayman Islands has in the last decade actually experienced the concept of market forces being the main corrective and allowing supply and demand to be the true regulator. Here is being done what may be required to improve the infrastructure to keep in pace with physical development. A feasibility study has been conducted for a new airport terminal which it is aimed to complete by 1983. We await the final report by Richards and Dumbleton on water supplies which will lead to

the formulation of plans for water distribution initially to the main areas of population. A study for a sewerage system initially in the same areas will be undertaken this year. The firm of Lauenthal and Nemarth has been engaged to evaluate the impact of the increased growth of condominiums on the economy as a whole, including such services as Police, Immigration staffing, the requirement for foreign workers and tourist related services. An advisor is making recommendations on the staffing organisation of the Immigration department; and the local housing situation is under review. Someone once said that a camel was a horse designed by a committee; someone else that if a government wished to defer action it set up a committee. Words are no substitute for action, but action on the other hand requires prior evaluation, research and planning - and this is in hand.

Second, Cayman Airways.

Despite good pay loads and high standards of operational efficiency, the national airline over the past year has suffered like other airlines from high fuel and maintenance costs and has the further restriction of a low equity base related to its total liability for aircraft purchase. The government made a further purchase of shares to a value of CI$410,870 in May 1980 which assisted the airline to meet interest payments then due. In November, a period when cash receipts are traditionally low for the airline, the government was obliged to advance the sum of CI$288,852 to enable the airline to meet a further payment of capital and interest then due. As Honourable Members are aware, the Managing Director resigned at short notice in January and the airline is being currently operated by a Management Committee pending the recruitment of an experienced managing director. A sub-committee of the Finance Committee of this Assembly has been established to enquire into the operations of the airline as the loan supporting purchase of the DAC 111 aircraft is guaranteed by government. A suitably qualified adviser has been located by British Executive Services Overseas to assist the sub-committee and he is expected to arrive here by the end of February.

Even if the management structure is revised and economies in operation achieved, it will remain to be seen whether the airline can be expected in current economic circumstances to carry on unassisted the high level of debt servicing. If it is a correct assumption that the national airline must be preserved, the corollary of preservation may have to be continued government assistance on an agreed basis and to set limits.

Clearly 1981 will require joint study of the problem by the sub-committee of the Finance Committee, the Member responsible for Civil Aviation, and the Board and the management of Cayman Airways.

Conclusion

In conclusion, thanks to due to the many robust organisations and businesses in the private sector which are primarily responsible for the vibrant state of the economy in 1980, and to churches, service clubs, sporting and other organisations which have done so much for the state of society. 1981 calls for sustained effort not only by organisations but by individual Members, civil servants and the work force. I have no doubt that it will be made.

I pray that with divine guidance Honourable Members will continue to conduct the affairs of our three islands with wisdom, compassion and justice and that 1981 will in its turn bear the stamp of continued progress and prosperity.

MR. TRADDOCK EBANKS: BE IT RESOLVED THAT THE HONOURABLE LEGISLATIVE ASSEMBLY RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE GRACIOUS ADDRESS DELIVERED AT THIS MEETING.

BE IT FURTHER RESOLVED THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED UNTIL WEDNESDAY THE 18TH FEBRUARY, 1981 AT 10:00 AM.

THE GOVERNOR: Is there a seconder?

SECONDED BY: MR. CARSTON J. SMITH.

H.E. THE GOVERNOR: The question is:-

BE IT RESOLVED THAT THE HONOURABLE LEGISLATIVE ASSEMBLY RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE GRACIOUS ADDRESS DELIVERED AT THIS MEETING.

BE IT FURTHER RESOLVED THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED UNTIL WEDNESDAY THE 18TH FEBRUARY, 1981.

This question will be put at the conclusion of the debate to be held both on the Throne Speech and the Budget Speech, beginning on Wednesday.

HOUSE SUSPENDED
HOUSE RESUMED

MR. PRESIDENT: Please be seated.
We will begin the business of the first meeting for 1981.

QUESTIONS

MISS ANNIE R. DONDEN, OBE, OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

No. 1 Will the Member consider instituting a daily police patrol on foot in George Town, particularly in the commercial area during peak hours?

ANSWER:

The Commissioner of Police will institute a daily police patrol on foot in George Town when the manpower is available.

It must be borne in mind that the police serve 24 hours a day, 7 days a week all the year round. Extra posts have been requested in the 1981 Budget.

As explained at a meeting with Members in July, 1980, the Commissioner is giving priority to (a) increased traffic cover; (b) improved airport police cover; (c) opening of the Cayman Islands Police Training Centre.

SUPPLEMENTARIES:

MR. G.L. KIRKCONNELL: Mr. President, we are very mindful of the duties of the police, but during peak hours we do need a police at the junctions as it is getting very congested, people sometimes spend a half of an hour with traffic being snarled up, and this is the reason why we are asking for a police patrol to be instituted to relieve this congested situation.

MR. CRADDOCK ESAINS: Mr. President, a further supplementary to the question. I wonder if the Member could say or to when this might be possible?

HON. D.H. FOSTER: Mr. President, as far as congestion of traffic is concerned this is done on many days now, not every day but several days a week we do have a traffic police on these various junctions, especially those right in the centre of George Town directing traffic. As far as just a foot patrol is concerned all around, we have quite a number of trainees in training now, and I am sure we will get the extra bodies that we have asked for in 1981, and I would say, not too long down the line at all, Sir.

MISS ANNIE R. DONDEN: Mr. President, this is more of a statement than a question. I would say, Sir, that my question asked that a patrol on foot. I have seen motor cars passing and the police vehicles, there are six or seven policemen; but what we need is somebody on foot. They stand by and this thing goes on, I am not asking for any additional men, I am asking

MISS ANNIE B. BODDEN (CONTINUING): that they go on foot.

MR. CARLTON J. SMITH: Mr. President, I support this motion to a point, but I think the Member in measuring this question is quite right. I think I use the roads of this Town as much as anybody else, and on many occasions I have seen police directing traffic in the main parts of Town here, and I think they are doing a good job so far, maybe they could do better if they had more men on the force to support them but on the present circumstances I think they are doing a good job, Sir.

HR. PRESIDENT: I must remind Members that question time is for asking questions, not for debate or for making statements. It is quite possible to phase a statement as a question, so I would ask Members to remember what question time is really for.

MR. BENSON O. EBANKS: Mr. President, a supplementary, Sir. Would the Member state if the extra posts requested in the 1961 Budget are forthcoming, whether the patrol as requested in the question will be able to be instituted?

HON. D.H. FOSTER: Yes, Mr. President. I am sure that it will be possibly in full force by then, but prior even to that you will see it partially done by then. It is the intention of the Commissioner to develop foot patrols during the night and day hours, also to select areas for permanent residint police officers, and will do it just as fast as the men are available, Sir.

MR. PRESIDENT: If there are no further supplementaries we can move on to the second question.

MISS ANNIE E. BODDEN, OBS. OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.

NO.2 Some 30-odd years ago certain Crown Lands were leased at a yearly nominal rate of $100 and over the years sub-leased - one of the stipulations of the Head Lease being to build an hotel on and develop the demised lands as a holiday resort.

Will Government consider investigating that the use of the demised premises by sub-lessee are for the purposes as stated in the Head lease?

ANSWER:

There is a Crown lease which answers approximately the description in the question and which is thought to be the lease to which the question relates.

This is a lease entered into in 1960 between the then Governor General Sir John Higgins and Mr. Benson Greenall in connection with certain lands in West Bay Beach North Registration Section.

When a lease contains a stipulation that land be put to particular use it is always possible for the parties to that lease to agree to vary that stipulation.

The Government, in administering Crown Leases considers all applications for variations on their merits having regard for the public's best interest and in the case of the particular lease referred to is unaware of any present use which is not either within the term of the lease or a properly considered variation.

SUPPLEMENTARIES:

MISS ANNIE E. BODDEN: Mr. President, I should like to ask the Member a supplementary question, and it is this, in referring to this lease there were certain provisions made, I would like to ask him if he has ever read two,paragraph (e).

HON JOHN B. MCLEAN: Mr. President, the clause that the Lady Member is referring to, I do not have the lease here with me and it is impossible for me to answer the question.

However, if the Lady Member wishes to, I will endeavour to go through this with her since it does involve certain legal points, I would sit down sometime and go through it with her if that is alright with her.

MISS ANNIE E. BODDEN: Mr. President, another statement. If I am wrong, please correct me. I am not here to deal with any legality because I do not happen to be a lawyer with this multitude of degrees, I am only using this head piece. And I am saying that in this lease there are certain stipulations, and I would like to know that these stipulations are carried out to the "T".

MR. PRESIDENT: I think the Lady Member is seeking an assurance that the stipulations in the head lease are being followed.

HON JOHN B. MCLEAN: Mr. President, I give the Lady Member the assurance that we will carry out these to the best interest of the public.

MR. C.L. KIRKCONNELL: Mr. President, the lease calls that hotels are to be built on the premises that are leased. Will the Member give assurance to this House that the terms of this agreement are adhered to?

HON. JOHN B. MCLEAN: Mr. President, in answer to the supplementary, I give the Member the assurance that the terms of the lease before us will be carried out correctly.

MR. PRESIDENT: We can possibly move on to the third question.

MISS ANNIE E. BODDEN, OBE., OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 3. Will the Member state if the monthly allowance to the four Executive Councillors has been increased and if so, will he state the rate?

ANSWER: The allowance was reviewed effective January 1981 to $18,804 per annum. Since 1977 the Members have not taken the annual increases; however, they have now requested effective 1st January, 1981, a revised allowance equivalent to the old rate of $11,088 per annum plus all increases since 1977 or $18,804 per annum.

SUPPLEMENTARIES:

MR. C.L. KIRKCONNELL: Mr. President in 1980 Executive Council Members were paid $17,040 per year plus $3,744 per year making a total of $14,792 per year. When one adds the two increases $10,204 and $2,600 we come up with a sum of $24,804 per year, this, Mr. President, represents 33.6% increase. I would like to know how this amount was authorized? Two increases -1977 was 11%, 1979 there was 11.36% increase, and the Executive Council of which I was a Member at that time we declined to accept this increase. Who authorized this increase on this back pay, who asked for it and who authorized it?

HON V.C. JOHNSON: Mr. President, the increase was requested by the Honourable Members and approved by Government.

MR. MICHAEL O. FRANKS: A supplementary, Mr. President. Would the Member state if it is customary for Government, presumably, the Governor in Executive Council to approve increases in salaries or any expenditure before coming to the Finance Committee?

HON. V.G. JOHNSON: Mr. President, sometimes on the basis of urgency Government does approve these expenditures which are reported to Finance Committee in due course.

MISS ANNIE H. BODDEN: Mr. President, a supplementary question. Does the Member consider that this was an urgency?

HON. V.G. JOHNSON: Mr. President, it was considered on the same basis of adjustment of salaries to Members of the Civil Service, which will also be reported to Finance Committee in due course. These are all based on the report of Mr. Hall.

MISS ANNIE H. BODDEN: Mr. President, I would like to ask, why was not the other eight Members considered in this fabulous increase?

HON. V.G. JOHNSON: Mr. President, the other eight Members were considered because their allowance was taken to a figure of $8,000 per annum.

MR. C.L. KIRKCONNELL: Mr. President, I would like to ask, why was this increase not thought of before the 1980 election?

HON. V.G. JOHNSON: Mr. President, the Honourable Member was a part of the Government before the 1980 election.

MR. C.L. KIRKCONNELL: Mr. President, it was a policy of the last Government to serve this country and put service before personal gains. Is it now the policy of the present Government to gouge all they can out of Government as fast as they can?

MR. PRESIDENT: I do not think that .....

HON. JAMES M. BODDEN: I resent that statement, there is no gouging by none of the Executive Council Members, Sir, and the Member speaking on this knows the policy and knows what we adopted between 1977 and 1980 when not only him, but every Member of the Elected House in the Executive Council refused the raises.

MR. PRESIDENT: I do not think these inferences should be drawn.

MR. BENSON O. EBANKS: Mr. President, could the Member state whether Members of the Legislature were also paid the increased allowance in January.

HON. V.G. JOHNSON: Yes, Mr. President, all Members were paid the increase effective the 1st of January, 1981.

MISS ANNIE H. BODDEN: Mr. President, I hate to contradict the Honourable Member, but I got the $378.00. Not that it matters to me, if they do not give me a cent, I do not care.

HON. V.G. JOHNSON: I am sorry, Mr. President, the increase was effective 1st January, 1981, it might not be paid as yet, neither has the increase to Civil Servants paid as yet, it will be paid with salaries at the end of this month.

MR. C.L. KIRKCONNELL: Mr. President, the 1976 - 1980 Executive Council refused the two increases, why have they found it necessary to apply for the 1977 increases and the 1979 to their present salary bringing it up to an increase of 64.77% at one time? How can they justify this, Sir?

HON. V.G. JOHNSON: Mr. President, there was an increase which was refused in 1977, another in 1979 and a third in 1980 apart from the increase effective 1st of January, 1981. The present Members are a different set from the Members of the old Government, and I cannot state what was operating in their minds when they requested the removal allowance.

CAPT MARRY S. KIRKCONNELL OF CAYMAN BRAC TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

No.4. Will the Member make a statement concerning air-freight rates by Cayman Airways Limited's DC9 which are:

Miami/Grand Cayman - 16¢ US a pound
Miami/Cayman Brac - 14¢ + 7½¢ US = 30¢ US a pound.

ANSWER:

Air cargo rates between Miami and Cayman Brac are higher than those between Miami and Grand Cayman because there is an additional sector involved and cargo flown from Miami to Cayman Brac is normally carried on two separate flights, ie, from Miami to Grand Cayman and from Grand Cayman to Cayman Brac. Sometimes cargo destined to Cayman Brac has to be offloaded at Grand Cayman and re-loaded for shipment to Cayman Brac. Direct cargo services between Miami and Cayman Brac are available from Cayman Airways on a charter basis which should be less expensive.

SUPPLEMENTARIES:

CAPT. MARRY S. KIRKCONNELL: Mr. President, I would like to ask the Honourable Member if he could state the charter rates, as we have been charged $6,500 which is more than the gross rate allowed to come in, multiplied by the 30¢?

HON. JAMES M. BODDEN: I am not that familiar with the figures, Sir, but if the Member was charged $5,500 from Miami to Grand Cayman, the plane is allowed to carry 30,000 lbs, and 30,000 lbs of it at 18¢ per pound I think it would work out to $5,400. Why he was overcharged the $100 - and if it has been overcharged we will do our best to see that it is repaid, because we would not want anybody to become poverty stricken because of the $100.00.

CAPT. MARRY S. KIRKCONNELL. Mr. President, our max restrictions at Cayman Brac presently is 28,600 lbs, Sir.

MR. C.L. KIRKCONNELL: Mr. President, .....

MR. PRESIDENT: I think the Honourable Member had the floor.

HON. JAMES M. BODDEN: I would have to refer to the DCA to find out if that is the correct amount that is restricted to Cayman Brac, but if the DC9 is restricted to Cayman Brac it is not the fault of Cayman Airways. And I would like to state, that if it is restricted as the Member states, the 28,600 lbs, I think that is taken into consideration is the fact that it still takes the same amount of fuel, the same amount of makeup and many other expenses involved whether it flies in there with one pound of cargo or it flies with the 28,600 lbs.

MR. C.L. KIRKCONNELL: I have been told, Mr. President, on my visits to Cayman Brac that the airline restricts the number of pounds that the aircraft can bring from Miami. The aircraft brings cargo for Cayman Brac from Miami, they top up with Grand Cayman's cargo, they come here, they leave on that cargo, they do not touch it, they load other cargo from Grand Cayman and they still charge the 18¢ plus 12¢ which is 30¢ per pound on cargo which they have not touched and then deny the people of Cayman Brac the privilege of taking on the 28,600 lbs that the aircraft is permitted to land. Why should this be, Sir?

HON. JAMES M. BODDEN: I think it is not correct to state that sometimes the cargo is not offloaded, because many times it has to be. I am not aware of all of the problems in connection with it because I do not oversee every loading or unloading, but I am sure that if the mention was not given to

HON. JAMES M. BODDEN (CONTINUING): Cayman Brac as we are trying to do, and we were not trying to do it at a cost to where the airline can at least break even that the Members would have other questions to pose which would be, why we are not making a profit on the run Sir. I can only assure the Member that we will do whatever is possible to see that Cayman Brac gets the service it should have gotten on the passenger plane we will on the DC6 if other points had not been raised.

MR. NORMAN W. BODDEN: Mr. President, a supplementary. Would the Member consider establishing a through cargo rate from Miami to Cayman Brac, which would be applied to cargo carried over that sector rather than a combination of Miami/Cayman and Cayman/Cayman Brac?

HON. JAMES M. BODDEN: Mr. President, that is really a surprising question coming from the Member that placed it, because those rates that I am quoting were placed on the cargo by him when he was Managing Director of Cayman Airways. I have not changed any rates since he left that position.

MR. NORMAN W. BODDEN: Mr. President, this is quite true, Sir, but it is never too late to do good, and I think you can reconsider those rates and apply a through rate from Miami to Cayman Brac.

HON. JAMES M. BODDEN: Well, it is never too late to do good, so please do not try to do me too much good because sometimes I can throw it back.

MR. C.L. KIRKCONNELL: Mr. President, will the Member reconsider what I term "an excessive charge", and it is creating inflation and hardships on the people of Cayman Brac. Cargo, Sir (I am making a statement then I will come to a question) - cargo to Grand Cayman is a $360.00 per ton, into Cayman Brac it is at $800.00 per ton, and on top of that they have to pay 20% duty. Will the Member give some consideration to reducing this rate for the people of Cayman Brac?

HON. JAMES M. BODDEN: I will give ever consideration to that based on an economic basis ever as how understand whether it is out of line or not, because I do not know for instance the amount charged by the shipping companies, it might be even more than this at this time.

MR. C.L. KIRKCONNELL: Mr. President, the shipping companies are charging $35.00 per ton plus VAT and the airline is charging $240.00, almost ten times as much as the shipping company.

HON. JAMES M. BODDEN: I understand Sir, for instance, on a minimum shipment, just to give the House an idea, Cayman Airways at the present time has a minimum charge of $25.00 usually on a minimum amount brought in. Now I do not know whether that completely applies to Cayman Brac, but I understand on the ships they have a minimum charge of $45.00, so it is a lot of difference between $25.00 and $45.00 on the minimum rates on cargo there, Sir.

MR. C.L. KIRKCONNELL: A correction on that $45.00. Mr. President, that is the American rate, you would compare the $800.00 to the $45.00. I was quoting the current freight rate from Grand Cayman to Cayman Brac as $35 plus 12½%, from the United States ports to Cayman Brac it is $46.00 per ton.

HON. JAMES M. BODDEN: I wonder in reply to that, Sir, if there is additional tariff charged by the ships on the cargo carried them from Cayman to Cayman Brac or whether they might be able to help me establish a good rate for Cayman Airways by letting me know the system they figure theirs out, whether it is a direct rate from Miami to Cayman Brac or whether it takes into consideration the loop in coming to Cayman offloading may be, unloading again and then going to Cayman Brac. I wonder if the Member could help me on that point?

MR. C.L. KIRKCONNELL: Yes, Mr. President, Prior to Thompson Shipping Company servicing Cayman Brac the same rate was charged from Tampa and Miami to Cayman Brac as was charged from Tampa and Miami to Grand Cayman. Since the Thompson Shipping Company has started to operate they have made this extra charge plus 12½% fuel charge.

HON. JAMES M. BODDEN: Mr. President, in answer to the question, I am really at a loss Sir, because I really do not know particularly how this figure was arrived at, but I wonder then - because we may have copied someone's else, and I just want to be certain that we are doing the correct thing. I just wonder now whether the Member who just spoke has copied the policy of Thompson Shipping since they have been wanting to or whether they have left there on the old rate.

MR. PRESIDENT: I think we must get back to the root of the question which is on air freight and not shipping freight.

MR. C.L. KIRKCONNELL: Mr. President, our company is not serving Cayman Brac now, but we hope to in the near future when we will plan it the same rate as they are getting in Grand Cayman.

MR. CRADDOCK EBANKS: Mr. President, I wonder if the Member can state whether the DC3 can go into Cayman Brac with a full load of 30,000 lbs?

HON. JAMES M. BODDEN: I am at a loss to answer that question, because there are other things that would have to be considered, it may be two years or it may be two months.

MR. CRADDOCK EBANKS: Then,Mr. President, according to the Member's answer, he is saying that the DC3 cannot at the present time go in with a full cargo.

HON. JAMES M. BODDEN: There probably are restrictions on it as it was mentioned by a previous Member. I am sorry, I do not know exactly what the restrictions are or what the poundage allowable is at this time, but as soon as certain things can happen,I guess we will be able to go in with the 30,000 lbs.

CAPT. CHARLES D. KIRKCONNELL: Mr. President, as a way of explanation, I would like to state to the Honourable Member that the restrictions that I quoted is a direct flight from Miami to Cayman Brac, I do not know the restrictions of the airport itself, but the DC6 is only allowed to come directly to Cayman Brac with 27,800 lbs.

HON. JAMES M. BODDEN: It would be no restrictions on the plane itself, Sir, because it would encounter the same problems in the air flying from Miami to Cayman Brac as it encounters flying from Miami to Grand Cayman. The restrictions, if imposed have been imposed because of the existing conditions at the Cayman Brac Airport over which I have not control.

MR. PRESIDENT: That concludes supplementaries, we will take the last question.

CAPT. CHARLES D. KIRKCONNELL OF CAYMAN BRAC TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION.

No.1 The Port Area is becoming congested because trailers and/or containers are being parked and stacked on the apron of the dock. Will the Member state what consideration is being given to solving this congestion?

ANSWER:

The Port Authority is presently utilizing the former war park adjacent to the port as a marshalling yard for trailers and containers. At present this arrangement is satisfactory. However,

ANSWER TO QUESTION NO. 5 (CONTINUING):

the Port Authority is investigating the possibility of locating a suitable place for a marshalling yard for containers should there be future need for it.

SUPPLEMENTARY:

MR. C. L. KIRKCONNELL: Mr. President, I do not agree with this statement. If one was to go down to the dock when they are unloading these containers and/or trailer ships you will see that the port area is congested and that production takes a steep decline during that period which it is costing the port that much more to handle cargo. The extension on the plain where they are using as an additional marshalling yard is not sufficient. What the port in my opinion needs, is to find a place off the port, as the containers are loaded on to trolleys they are taken directly to that marshalling yard and there will be no stacking or congestion on the dock, because they will be going straight out and they will still be in the control of the port if a marshalling yard is established off the water front.

I would like to know, Mr. President, has any consideration been given to purchasing a marshalling yard off the water front?

MR. PRESIDENT: That seems to be stated in the answer to the question.

HON. C. ELIE BODDEN: Mr. President, I think the Member is reflecting upon the time when he was in charge of the dock. The marshalling yard which was the former parking lot has only been used for trailers and containers since about one month ago when the yard was fenced to prevent the parking of private cars.

In a discussion this morning with the Director of the Port, I was reliably informed by him that there is only congestion on a day when you have more than one vessel in port, for most of the time the space is adequate. However, the parking lot which was converted to a marshalling yard is a total of 18,000 square feet, and this area was not available until up to about one month ago. Of course, with the limitations on space and with perhaps the limitations on money to purchase concrete land in or near the port everybody will have to put up on peak days of traffic with some congestion.

The Port Authority is aware of the congestion, and there are two alternatives as we see it, one would be to utilize the northern section of the dock to the same degree as the southern section has been utilized, that is, put in a sea wall, a retaining wall, fill some of the land and so provide roughly another half acre of land. This would cost on a rough estimate from the Port Director in excess of one million dollars. The other alternative would be to purchase land or in an area somewhere else.

Now there are problems involved in purchasing a trailer park that is too far distant from the dock, because if this is done, while there may not be congestion on the dock there would be long delays with the ships waiting for the lorries or the trailer pullers to meander their way through the labyrinthine one-way streets in George Town and a ship could be delayed many hours. So that if we are to provide a place of no congestion on the dock with modernized trailer parks many yards distanced from the port, while we may ease the congestion on peak days you may find that the ship owners would be punished because the ships would take a much longer period to load and particularly to reload their empty containers which would have to be brought in from other areas of Town, but the Port Authority is aware that the area is congested on peak days, but the congestion is not unbearable.

MR. PRESIDENT: If there are no further supplementaries we can take question time to be concluded.

HOUSE SUSPENDED AT 12:50 P.M.

HOUSE RESUMED AT 3:30 P.M.

THE GRAND COURT (AMENDMENT) LAW, 1981

FIRST READING

CLERK: The Grand Court (Amendment) Law, 1981.

MR. FRENCHMAN: The Grand Court (Amendment) Law, 1981 to be deemed to have been read the first time and to be set down for second reading.

SECOND READING

CLERK: The Grand Court (Amendment) Law, 1981.

HON. DAVID C. MCNICK: Mr. President, Sir, I beg to move that a Bill entitled "The Grand Court (Amendment) Law, 1981" be now read a second time.

The Bill, Sir, is a short one, but if passed by this Honourable House it will make an important amendment to the Law governing civil cases in the Grand Court. But shortly Sir, the Bill will enable rules of Court to be made providing for interim payments to be ordered in those court cases where justice calls for them. Interim payments are payments in the course of the proceedings and not merely after judgment has been given. The Courts in England and in a number of Commonwealth countries already enjoy power to order interim payments to be made by parties, and while those powers are normally very sparingly used the courts ability to require a litigant to pay monies into court or to pay monies to another party in the same proceedings can avoid real hardship on some occasions and prevent procedures from being abused on others. The need for rules along the lines of those referred to in this law has been felt locally for some time, and the measure has the full support of the Honourable Chief Justice.

Mr. President, Sir, I beg to move that the Bill intitled "The Grand Court (Amendment) Law, 1981" be read a second time.

MR. PRESIDENT: The question is that a Bill intitled "The Grand Court (Amendment) Law, 1981" be read a second time. The motion is open for debate.

MISS ANNIE H. BODDEN: Mr. President, with regard to this bill to amend the Grand Court Law, I feel that it is quite necessary to have the rules, but in my campaign, Sir, I promised that whenever we had any bill introduced this House which requires that we should have rules, those rules should accompany the draft bill. Because, Sir, we only pass legislation as a skeleton and what actually happens is that the rules are made without our knowledge, consent or approval and then they are put into force.

Now personally, Sir, I might as well be frank about it, I do not understand what this bill means. My knowledge of court is this, that in civil cases, because I have never dealt with criminal cases or divorce cases, but my knowledge is that the plaintiffs file their statement claim and the defendant replies; if they do we go before the court, at that particular stage we do not know who will be the winner or who will lose. Of course sometime I have gone to court and I was very assured, not presently now, (I repeat, not presently now), I was very assured that when the case started that I would win or lose. Well I feel, Sir, that we are not a witch or a wizard to know who will win or who will lose, and I cannot see why these interim payments should be necessary, I cannot see that, because does it apply to both the plaintiff and the defendant or just to the one who is prosecuting the case?

In the case of criminal cases before the court, would the accused be required to pay money or how would it work? I do not quite understand this. I agree that we need rules, but I cannot see any real sense in making this interim payment. If it was a bond, perhaps I could agree, but as I understand it here it is a payment. And not many people who go to court, except they go for fun, which is sometimes happens, and there is

MISS ANNIE H. ROBERTS (CONTINUING): such a thing as, some people go to court just to say they are in court and it could be that some of those litigants have not got that kind of money, they do not know how much to pay or what to pay. So as far as I am concerned we must have rules to govern our Grand Court, but I will say, I cannot agree to this interim payment being made unless it applies to both the plaintiff and the defendant. And in the case of an accused I say that it should also apply to he or she, and I will repeat Sir, that I feel that we as Legislators blindly make laws which we do not know the far reaching consequences of.

And this here could mean, if I go to court it might be one of these slander cases or libel or one of these cases which would involve a lot of expense in regard to getting proper counsel, because I might as well tell you Sir, nowadays lawyers do not work for nothing. I saw a bill only this week past where a firm of lawyers sent to a lady, over $1,600 for a divorce proceeding and that did not take care of the actual detail, that was just the requisites and so on and so on. So I feel that this is a very expensive process and we had better carefully look into it before we adopt it. Thank you, Sir.

HON. VINCENT M. BODDEN: Mr. President, the amendment here is purely the same machinery as was passed in 1975 to permit rules to be made under the Grand Court Law, it does not seek to change that principle.

This Amendment as the learned Attorney General has mentioned has been accepted in the many commonwealth countries, and it is if you wish to put it, a poor person's amendment. In that, if for instance there is an admission of liability, then prior to the court assessing the quantum of damages the court may in those circumstances make an interim payment. Secondly, in the event that it is very clear at the end of a case that an appeal may be either frivolous or not possible to succeed to the extent of the quantum in it, then the court can once again make an interim order. And lastly, if in the interest of justice the court feels that it can make an order under this section than it would do so, but what it really does Sir, is instead of a litigant waiting perhaps two years or three years to see the end of litigation either through the court of appeal or through Privy Council, which it rarely goes to, then the court can view the situation and make an interim payment from this. And I should point out, the court only makes a very cautious interim payment, and time for instance, a juvenile who may have sued through a next friend could for instance get a payment or somebody who is in a position where justice requires that they should be paid rather than to wait a couple of years.

These long delays sometime force settlements which would not be brought about if an interim payment could be made under this law. It is nothing unusual, it works for the plaintiff, it would work for the defendant if the defendant has filed a counter-claim which is the equivalent of the statement of claim that the plaintiff files, and I would expect that perhaps it could work both ways because the defendant then in effect becomes a plaintiff who counter-claims.

It is usual, I think it will ease any hardships especially on poorer persons who cannot go to the end of litigation without perhaps an interim payment or someone who is ill or a juvenile. And these are the cases that the court has traditionally exercised the power under this law, and I would ask members to support it.

MR. PEDRO O. KEARNS: Mr. President, I have only had this bill in my possession since Friday and have not had too much opportunity to research it, but there are one or two disturbing factors to me in this bill.

Sub-section 2 of the proposed amendment indicates that this is a payment which could be ordered to the benefit of another party prior to the judgment being given, that is other than costs and frankly I wonder why this would ever be used. And in sub-section 2 (a) it says "the rules may include provision for enabling the party who, in pursuance of the order has made an interim payment to recover the whole or part of the amount thereof". It would seem to me that unless the judgment goes against the party against whom the order had been made he should be able to recover the full amount.

MR. PERSON O. EKANEM (CONTINUING): I cannot understand why a successful or innocent party in a litigation should stand to lose money or to have made a payment which he cannot recover the whole of it.

As I have said, I have not had a lot of time to study this, and I would hope that the learned Member leading this bill in his summing up would be able to broaden on his reasons for this bill, and that when we get into Committee it could be explained more to my satisfaction. I am not entirely happy with it as it is. Thank you.

MR. O.A. KIRKCONNELL: Mr. President, I too must express my confusion with this bill, I know the Second Official Member and the learned Judge would not say that this is necessary if it was not so but I can not understand how an interim payment can be made when a particular case may be appealed to a higher court and eventually to Privy Council. If in the final analysis the person loses the case and an interim payment has been made, who then, or how is this money recovered?

I see under sub-section (5), "this section shall bind the Crown only in so far as any proceedings to which it is applicable can be brought by or against the Crown in accordance with the Crown Proceedings Law(Revised)". I too would further clarification before - I know it is a necessary bill or it would not be brought before the House, but I am not clear on it.

MR. PRESIDENT: Are there any other speakers? Would the Honourable Mover wish to exercise his right of reply?

HON. DAVID H. BARWICK: I am grateful, Sir, to Honourable Members for having given appreciations, not only to what they find easy, understandable and useful in the Bill but also the points that trouble them.

I think it is necessary to say that the bill has been prepared for sometime, and I too am sorry that it was not distributed earlier so that Members could have had a chance to consider it or its implications and not been obliged to raise them at short notice in the House. As Members know I am always more than ready to discuss any measure as soon as it is published, if I can make explanations where particularities are concerned my colleagues can do so, and I am always more than happy to do it.

Dealing with the various points that have been raised, I hope roughly in order in which they were made, I appreciate what the Honourable Lady Member said about subordinate legislation. This is a debate which has gone on in all countries which enjoy parliamentary system almost for centuries, and much can be said in favour of subordinate legislation and much can be said against it. And in this particular case I would like to suggest however, that this is really adding one more power to the courts rule making committee.

The bill in its present form mirrors very closely the Administration of Justice Act, 1970 in the United Kingdom where as long ago as ten years it was found necessary to enable the courts there to make rules providing for this very subject. The rules which the court makes, as I am sure the Lady Member knows are to be found in the White Book, and when the rules making committee here comes to lay down a rule of court relating to interim payments it more or less will very closely follow the English precedent, which is based on, as I said, on ten years experience now.

Moving from that subject to deal with the powers which the Bill itself seeks to deal with, I think the next point the Lady Member made was would both plaintiffs and defendants be subject to the rules? The answer to that is, yes. As to when the Judge might use this power, which I said, traditionally, it is only used sparingly, I am obliged to the learned Honourable Member, he touched on I think probably the only two occasions when the Judge would need to use this power. If I can enlarge up on an example, perhaps a little untrue but it will show the sort of circumstances in which awards of this sort might be made, for example, in a case where the plaintiff was not seriously contesting liability, it might be a motor accident or something of

HON. DAVID A. DARWICK (CONTINUING): that once that he was contesting the quantum of damages that was being claimed. You might have a very poor plaintiff in distress, perhaps in need of expensive medical attention and no money to pay for that attention; the Judge or even a plaintiff himself realizes that something has to come for the plaintiff, the question of how much perhaps might depend on obtaining a scientific opinion from another country or making inquiries of something of that sort before the court could say with finality how much the plaintiff was to receive. Now the court in that case might very well say that an amount sufficient to meet the immediate needs of this plaintiff is to be paid to him to pay his hospitalization, family maintenance or something, pending determination of the quantum, as we say, the amount of the final damage.

And again, where on the pleadings or perhaps on a party heard case, the plaintiff was in a bad position and was employing dilatory perhaps legitimate, to delay the proceedings to push them forward for months and months and months. A wise Judge might very well say, sooner or later this case is going to be determined, sooner or later that plaintiff is going to get what he is asking for or something near it in the meantime you ought to pay him a quarter towards that judgment. I think there might be other examples, but they are certainly two types of cases which I have known a Judge to make an interim award.

Where the questions of appeal enter into it, there is not really any difference between an appeal in the circumstance where an interim order has been made and one where a final order has been made, the same provisions and the same rules which the court employs on those occasions would apply to both of these cases. I am sure, Sir, that I have been able to allay in some measure any doubts that are felt in the House, and I certainly will when we come to committee stage try to deal with any other points which Members might give rise to at that time.

MR. PRESIDENT: The question is that a bill entitled "The Grand Court (Amendment) Law, 1981" be read the second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE JUVENILES (AMENDMENT) LAW, 1981

FIRST READING

CLERK: The Juveniles (Amendment) Law, 1981.

MR. PRESIDENT: A Bill intituled "The Juveniles (Amendment) Law, 1981" is deemed to have been read the first time and is set down for second reading.

SECOND READING

CLERK: The Juveniles (Amendment) Law, 1981.

HON. TRUMAN M. BODDEN: Mr. President, I move the second reading of a bill entitled "The Juveniles (Amendment) Law, 1981".

This amendment, Mr. President, seeks to substitute one word for two words. So that as it may, Sir, it basically does not change the underlying principle of Section 22, which relates to contribution orders and merely permits the court to make a contribution order at anytime rather than at the same time that it makes an order in relation to the juvenile. Prior to this some problems did arise, because the court found itself inhibited in making a further order on varying the order or making an order denovo. So I would ask Members to support this. Thank you.

MR. PRESIDENT: The question is that a bill intituled "The Juveniles (Amendment) Law, 1981" be read the second time. The motion is open for debate.

If there is no debate I will put the question.

QUESTION PUT: AGREED. BILL WAS GIVEN A SECOND READING.

THE SUMMARY JURISDICTION (AMENDMENT) LAW, 1991
FIRST READING

CLERK: The Summary Jurisdiction (Amendment) Law, 1991.

MR. PRESIDENT: A bill intituled "The Summary Jurisdiction (Amendment) Law, 1991" has been read the first time and is now down for second reading.

SECOND READING

CLERK: The Summary Jurisdiction (Amendment) Law, 1991.

HON. DAVID H. HEWICK: Mr. President, Sir, I beg to move that a Bill intituled "The Summary Jurisdiction (Amendment) Law, 1991" be now read a second time.

This Bill too, Sir, is a short one and again, like the one I had the pleasure of introducing earlier this afternoon, its whole purpose is not immediately apparent on the face of the wording of the document.

The object of the Bill, Sir, is to validate and put beyond doubt the effectiveness of certain appointments of a number of justices of the peace. In the course of working on another aspect of this Law it was discovered that certain of the appointments of justices, estimated to be about a dozen and a half in number, might have certain doubts raised regarding those appointments. The reason for the doubt is a simple one, a form of warrant has been traditionally used for a number of years here, in that form of warrant after stating the law applicable and the name of the person being appointed. The warrant went on to say that the appointment is conditional upon the appointee appearing before the Clerk of Courts taking the statutory oaths which the law requires and his name being entered in a book.

Unfortunately, a number of the appointees went before other persons other than the officer named in the appointment and took their oaths before them. Now in some there was no question of the honour, the integrity, the appointee being the person appointed or his subscribing to the proper oaths which the statute laid down. The only questions that arose, arose from the fact that they had gone and taken their oath before another justice rather than the justice who was named in the warrant. Oversights of that sort might seem to some people, to-day people particularly to be very technical in nature, and you might say, what effect could that have on the appointment? But it could, in my view and in the view of my colleagues give rise to questions as to whether some of the acts of the Justices of the Peace had been valid, and rather than wait knowing now what we do know to have these questions raised, this short bill has been prepared and is put before this House to remove the doubts by statute.

The measure, Sir, is recommended, and I would ask all Honourable Members at each stage of its progress through this House to give the bill their support. It is hoped as Members will see to ensuring nothing but the failure to carry out the things that were stated in the warrant, it is not acts likewise things which Justices have ever done, it would not cure a number of mistakes alike intended to cure is the oath taking having been done before the wrong person. With those words, Sir, I beg to move that the bill intituled "The Summary Jurisdiction (Amendment) Law, 1991" be now read a second time.

MR. PRESIDENT: The question is that a Bill intituled "The Summary Jurisdiction (Amendment) Law, 1991" be read the second time. The motion is open for debate.

If there are no speakers to the motion I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE TRAFFIC (AMENDMENT) LAW, 1981

FIRST READING

CLERK: The Traffic (Amendment) Law, 1981.

MR. PRESIDENT: A bill entitled "The Traffic (Amendment) Law, 1981" is deemed to have been read the first time and is set down for second reading.

SECOND READING

CLERK: The Traffic (Amendment) Law, 1981.

HON. C. HAIG BODDEN: Mr. President, I move the second reading of a bill to amend the Traffic Law (Law 16 of 1973).

This Bill will make, if accepted by the House, six separate amendments to the Traffic Law, and I intend to deal with them separately. The first amendment is concerned with the different classes of driving licenses. Under the old bill there were to be five distinct classes, the amending bill will add a fifth classification as well as changing some of the classifications of the other licences.

The old bill did not make a separate provision for a moped license. The first group in the old bill contained only a motorcycle license, and a person wishing to ride a moped would have to show that he was capable of riding a motorcycle. As mopeds are different from motorcycles in that they do not reach the speed or do not carry the same weight, it was thought that there should be a separate classification for mopeds, so a new group "Group 0" has been added, and this will make a special classification for the moped license.

Group 1, which is the second class of driving license, will be a license for riding a motorcycle or motorcycles including mopeds so that a person who held a motorcycle license would also be entitled to ride a moped. Group 2, which is the third classification of license included in the old Law, motor cars and station wagons exempt group 1. The third classification will now also include as the former one did, motor cars, station wagons and small trucks not exceeding 3 tons gross weight, and of course including groups 0 and 1. So what has happened to this classification is that for a very small truck like the little half ton toyota, it is no longer necessary to have a special truck license as if you were driving a five ton truck. And in actual operation most of these tiny vehicles are identical in operation to automobiles, most of them come or some of them come with automatic transmissions, with power brakes similar to automobiles and many of them are of lesser weight, so that the third classification will entitle a person with a motor vehicle or a motor car license to operate not only a motor car and a station wagon but a very small pick-up truck not exceeding 3 tons gross weight.

In classification 4, which is group 4 this new classification will include a person holding this type of license to drive the three vehicles included in the previous classification as well as omnibuses not exceeding a seating capacity of twenty-five persons. And the fifth and final classification of group 5 will be a license for driving all the heavier vehicles, that is, heavy equipment, large trucks and of course it would also include those in group 3 and 4. So this amendment should improve the classification of driving licenses and should be readily accepted by the motoring public.

The second amendment deals with the whitehouse yellow lines. Some Members may be expecting that we are about to change the colour of the paint since there seems to be a national obsession with the yellow paint, but this amendment does not change the colour of the paint but it does omit the very stringent requirements with regards to no parking on yellow lines. Under the Law as it now stands a vehicle could only stop for a period not exceeding two minutes in order to set down or pick up passengers. The amending bill, if passed, will make it possible for a truck to stop at a yellow line for a period not exceeding twenty minutes for the purpose of loading or unloading goods, this would not allow a truck to park indefinitely

HON. G. HAIG HOUDEN (CONTINUING): on a yellow line, but if a genuine act of loading or unloading goods was taking place a truck would be entitled to stop for a period not exceeding twenty minutes on a yellow line. In the case of any other vehicle which might need to stop at a yellow line that other vehicle could stop for a period not exceeding eight minutes for the purpose of loading or unloading goods.

It was felt that it was not necessary to have as long a stopping period for other vehicles, that is, vehicles that would carry goods like cars and station wagons to unload as it would take for a truck. So this amendment would allow these other vehicles to stop for eight minutes if they were in fact loading or unloading goods. Also other vehicles or vehicles picking up or putting down passengers would be allowed to stop for two minutes on a yellow line, and of course, all vehicles in an emergency would be allowed to stop at a yellow line.

Now it is true that the yellow lines, as they are referred to affectionately, are often the object of questions by irate motorists seeking a place to park. But these yellow lines have only been put in at strategic areas in order to increase the safety of pedestrians and vehicles as well. For example, if one stands at the corner of Albert Hanton Street and Cardinal Avenue and sees a lorry or a sixteen wheel truck or one of the large trailers trying to negotiate that corner one will notice that the entire road-way at that intersection is required, and if a car is parked on one of those yellow lines that particular large vehicle is not able to negotiate the turn. Also yellow lines are placed on blind corners and they have become acceptable. However, what has been happening is because many of the buildings or most of the buildings have been erected without proper service entrances, trucks and other vehicles needing to unload large furniture had to do so in defiance of the law, because the law did not make sufficient provision for discharging of cargo from a vehicle.

The third amendment will allow a constable in uniform to arrest without warrant any person whom he has reasonable cause to believe has committed an offence under section 61 of the Traffic Law. Section 61 of the Traffic Law is the section that makes it an offence to drive a vehicle while in a state of intoxication or under the influence of drugs. Prior to this, a constable did not seem to have the authority he needed to arrest the person whom he reasonably believed to be in a state unfit to drive a vehicle because of being intoxicated, and so Section 62 now provides for this. Section 62 makes provision for a constable to require that a breath test be taken in order to determine whether the driver is inebriated according to the standards set in the Law.

I may say that this is not a new provision in our law neither is it a new provision that a person believed to be under the influence of alcohol or drugs could be asked to give a specimen of blood or a specimen of urine. But the provision while it formally existed in the law seemed to have existed in a fashion in which it was virtually impossible for a person to be convicted, when in truth and fact the test may have shown that the person had been under the influence of alcohol or other drugs. So this amendment is really tidying up what was an unworkable impracticable condition which had been contained and presently is in the old Law.

The constable administering the alcohol-in-breath measuring device is compelled to do so in the presence of another constable, and the certificate must be signed by both officers. The constable is required to let the alleged offender know that the offenders failure or refusal to give the test or to submit himself for the test can make him liable to imprisonment, a fine or disqualification from holding or obtaining a driver's license. If the person who is subjected to the test should request that the police officer provide him with a sample, the police officer shall allow it. "The constable requiring any person to provide a specimen of blood or of urine under paragraph (b) of subsection (2) for a laboratory test shall, if requested, supply to him, in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken". So there are certain provisions built into this that will give protection to the offender so that he may not be victimized by a biased or vicious officer as the case may be.

HON. G. HALG BOSDEN (CONTINUING): Now I do not intend to say how much alcohol or drugs a person can consume and still be considered sober under our law. This is a matter I suppose which only the individual will know how much he can carry without getting drunk, this amending Bill does not change the quantities or the ratio between the drug consumed and the body consuming it. These measurements are repeated straight from the old law, and Members who are familiar with that law will know that a person is considered drunk for the purposes of this law if the alcohol in his urine exceeds the following ratio: If he has or is found to have in excess of one hundred and thirty-four milligrams of alcohol in one hundred millilitres of urine he would be considered drunk, and if he had the equivalent of one hundred milligrams of alcohol in one hundred millilitres of blood he would be considered drunk. And I am told that the criteria for measuring the in-breath consumption or of alcohol is in direct proportion to the results that will be taken had it been a blood or urine test, and the standard by which one would be drunk on an alcohol-in-breath measuring device would be, if his breath contained one tenth of one percent of weight volume, blood alcohol concentration on a reading of an alcohol-in-breath measuring device.

I have been told and have read to some extent, and it would appear that a person who is a normally slow drinker could consume in an afternoon's festivities three quarters or other such beer or three ordinary shots of whisky or any other similar stimulating spirits and still be on the safe side of being sober. But a lot of conditions are applied to this and seem to make this reaction upon an individual far more extreme than on others. For example, it has been found that a person like myself in excess of XXX pounds could because of, I should say, the capacity to distribute the alcohol over the system can drink much more than a small man like our Member from Stanley Council. And it has also been found that if a person has eaten a large meal prior to his evening entertainment or if during the course of his drinking episodes he consumed a large meal he can remain sober for a longer period that a person with an empty stomach. And then there are other factors which medical science knows about, the equilibrium of the brain and the person's propensity to consume without becoming tainted by what he has consumed, all of these factors go into it and so there is really no true measure. There is one golden rule, "if you drink you should not drive" but a person can have a drink and could be tested under the provisions of this law and would be found to be sober for the purposes of the law. But the morals that would seem to flow from this exercise is that if you drink your drinks should be well spaced over a long period of time, they should not be consumed hurriedly and in no case should they exceed certain quantities.

Another amendment to this law will empower a constable in uniform to arrest without a warrant any person whom he has reasonable cause to believe has committed an offence under Section 64. Now Section 64 is the section of the Traffic Law that makes it an offence for a person to cause death of another person by careless or reckless driving, this power seemed to have been left out of the law altogether. That a constable in uniform may now arrest without a warrant any person whom he has reasonable cause to believe has committed the offence of causing the death of another person or persons by his driving carelessly and or recklessly".

The fifth amendment in this Bill is just to tidy up Section 68 of the old Law. Section 68 reads:- "Whoever drives any kind of vehicle or animal without due care or attention shall be guilty of an offence", and the change is to change the word "or" to 'and' so the section will now read:- "Whoever drives any kind of vehicle or animal without due care and attention will be guilty of an offence".

The final amendment is to add certain offences to the traffic ticket section of the law. Members know the matter of issuing traffic tickets has been contained in the law for some time, if a driver contravenes certain sections of the law a policeman can write that person a traffic ticket. These are for civil offences like say failing to display a licence plate; if the person accepts his guilt he need not go to court he can simply go to the nearest office and pay a specified fine, and so the matter is over in a short period. However, if the driver complains or says that he is not guilty of the offence he can stand trial. So the issuing of traffic tickets has been found to save a lot of time in keeping certain simple matters out of court, and I have here a very interesting clipping from the Daily

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HON. G. RALF BODDEN (CONTINUING): Telegraph written on Monday, December 23th, 1980. It seems that the United Kingdom under Mrs. Thatcher is making many improvements in what had become a system of traffic matters that had bogged down because of the slow manner in which they have been dealt with. And the opening paragraph reads:- "An extension of the fixed penalty ticket system to cover a wider range of traffic offences which is now being considered by a Government working party would be welcomed by the motoring organisation", and the article goes on to speak about stream lining the handling of minor traffic offences.

And a spokesman for the A.A. said yesterday, "We are in favour of extending the fixed penalty system as a way of reducing the work-load of the courts". Clearly, there are many cases which do not need to go to court. For example, if a man is found driving with only one headlight in the night there is no question of whether he is guilty, and if a police officer stops him he can write the man a ticket and the next morning the man can go into the courts office and pay the fine. If however the man says, well I have two lights but the policeman is blind, and he wants to contest the case the traffic ticket would actually be a summons for him to appear in the Magistrate's court to be tried.

Well, the traffic ticket system existed in the Law as I mentioned, this amendment simply adds to it offences that had formerly not been included. And of course, this will mean that the traffic ticket from now on will have to be revised so as to include these offences. I have tried to give the House my version on these amendments, they do not seem to be controversial to me and I trust that Members will see the merits of this bill and will give the bill their support.

MR. PRESIDENT: The question is that a bill entitled "The Traffic (Amendment) Law, 1981" be read the second time. The motion is open for debate, but this seems a suitable juncture to suspend until 4:00 p.m.

HOUSE RESUMED

MR. PRESIDENT: As we are having trouble with the air conditioning if any Members wish to take their jackets off, I think that this will be in order. The motion is open for debate.

MR. DONALD W. DOBSON: Mr. President, the Honourable Member has so well presented his bill to amend the Traffic Law that he has left me with very little to comment on. However, I do have a small concern which undoubtedly can be dealt with when it goes to committee, but I will mention it here, and that is under section 8 paragraph (1) (b) (ii) where it states "two minutes for the purpose of setting down or picking up passengers", I would like to see this increased as I feel that this is insufficient.

MR. C.E. KIRKCONNELL: Mr. Speaker, I feel that the amendments which have been presented to this House are necessary and have cleared up a lot of anomalies in this particular law. I do query amendment of section 28 (3) (1) (a) (b) (i) and (ii), the time, the twenty minutes for the purpose of loading and unloading, and in the case of any other vehicles eight minutes. There are two critical points here, Sir, if you allow a vehicle to stay there for twenty minutes, you have a complete block.

Another critical point is the distance just in front of the Red Triple Bar, if you permit a truck to stay there for twenty minutes and unload you will also create another congestion. This is about the only two things that I see in the bill that are controversial, and as the Honourable Member said, and I agree with him, "if you drink do not drive", that would be the safest thing to do. I support this bill, Sir.

HON. VINCENT O. SOLVES: Mr. President, I also agree that these amendments are straightforward and in many instances necessary, but I too share the concern over Section 8 in the bill.

As the Member following the bill pointed out, there are areas where large vehicles require a total width of the road in order to

MR. HANSON O. EHARKS (CONTINUING): negotiate a curb or in some instances to actually pass the road, and I am wondering if in the long run we are not going to find out that we are creating as many problems as we seem to be solving. The moral from this seems to be that certainly in the case of new buildings vigilance should be exercised to ensure that proper access is provided to and from the building for goods to be moved. It is unfortunate that we have a situation in the town centre at the moment where these accesses are not available or do not exist, and may be this is something that could be noted for future use, because I am not sure that what we are seeking to do here is going in the long run to work to the advantage of the community. I believe in many instances you are going to find very long lines of traffic as a result of these amendments which we are passing, but there has to be some consideration given to allowing goods to be loaded and offloaded in these areas. I thank you.

MR. PRESIDENT: Are there any other speakers? Does the Honourable mover wish to exercise his right to reply?

HON. O. BAIG DODDEN: Mr. President, I thank the Members for their comments. One Member suggested that the two minutes provided for setting down or picking up of passengers would be insufficient, and this is probably true if you had a very elderly person or a handicapped person. However, under ordinary circumstances two minutes should be sufficient. However, I have no strong feelings on whether it is two or three or four minutes, if it is the will of the House that could be amended.

The twenty minutes could cause road block at the areas mentioned by the Member from Cayman Brac, but I believe immediate in the Traffic Law, although I have not checked it, a police constable would have the power to ask the truck to move any how if the truck was creating an obstruction. So if the truck was unloading despite this provision in the law I believe a policeman on duty could require the driver to move and to come back until the congestion is cleared. I do not know how correct I am on that.

The other matter which I had touched upon and which was reinforced by the Honourable Member from West Bay is something for the future, a determined effort should be made that all new buildings would be constructed with proper access and space available for discharge of cargo. The amendments are intended to improve the movement of traffic, however, I can assure the House that we had a meeting last week with Mr. Hirst from Public Works and the Commissioner of Police and we came to a conclusion that we should endeavour to find someone to take an overall look at traffic and make recommendations with improvements. I know this was not mentioned in the debate but I think it is of sufficient interest to Members to mention. I thank the Members.

MR. PRESIDENT: The question is that a bill intituled "The Traffic (Amendment) Law, 1981" be read the second time. I will put the question.

QUESTION PUT: AYES: 9 BILL GIVEN A SECOND READING.

## THE PRINTING OF PAPERS LAW, 1981

### FIRST READING

CLERK: The Printing of Papers Law, 1981.

MR. PRESIDENT: A bill intituled "The Printing of Papers Law, 1981" is deemed to have been read the first time and is set down for second reading.

### SECOND READING

CLERK: The Printing of Papers Law, 1981.

HON. D.H. FOSTER: Mr. President, I beg to move the second reading of a bill entitled "The Printing of Papers Law, 1981.

HON. D.H. FOSTER (CONTINUING): Mr. President, this bill has as its objects the placing on persons who print and publish papers of the sort defined in the bill an obligation to state who they are. The provisions of the bill are in my opinion both necessary and timely, they seek to do no more than make part of our laws provisions which have been found in the statute books of other commonwealth countries for many many years. They place no restraint on the freedom of expression which is so important to me, they do no more than require a person who is exercising his right to comment and to comment on public matters in print to give his name and address. By this means persons who consider themselves damaged by a publication of the sort in question can seek redress, they will not find that those who have injured them are unknown or have by clandestine means been able to avoid responsibility for what they have caused to be published.

Mr. President, I would not be a bit surprised if this becomes a very controversial bill, but nevertheless, I am asking Members to look at it from all angles and to give it their support, Sir.

MR. SPEAKER: The question is that a bill intituled "The Printing of Papers Law, 1981" be now read this second time. The motion is open for debate.

MISS ANNIE M. HUSBAND: Mr. President, I must say, Sir, that I object very strenuously to this draft bill, and my reason is this, I do not think that we as honourable people should legislate any law to suit certain people, for or against.

Now, Mr. President, I heard it mixed in this House months ago that a law would be made for James Lawrence in regard to his mental capacity, and so said, so done. Now that law was never applied to James Lawrence, but it was applied to Annie Huldah Bodden, because, Mr. President, this debate might take some time.

When this election movement was going on (and I must say it is the worst election that I have ever witnessed and I knew about elections from before I was 21 years old, but this one was the most damning, was the most outrageous, the most ungentleman-like thing, the most money spent and everything that you call bad). Now, Mr. President, I am going to tell you a story which I do not expect you to believe, but nevertheless it is the truth.

Shortly before this campaign was in full swing a gentleman told me that at the Swiss Inn (the hotel that used to be the White House, I believe, Sir) there was a discussion there with the workers of some union, Tommy Bodden, being, seem like, the President, and he said publicly that "I've had to make this law for Cousin Annie". Well, a man told me about it. I called Mrs. Isabel Bodden, or whatever her name is and she confirmed the statement. I called the father of Tommy Bodden, who is my cousin, Will Bodden and I asked him what was this about. He said that he is very sure that Tommy had not said such a word, "Well", he said, "I am going out to prayer meeting tonight and Tommy will call you back". I went to bed and went asleep and when I woke up at 10:30 there was Tommy. He said "Cousin Annie, Isabel told you about that, did not she?" I said Isabel did not tell me, I heard it otherwise and I asked Isabel and she confirmed that it was true. "Well", he said, "I want to let you know - do you believe Isabel in preference of me?" I said "Of course I believe you said something. It is up to you to tell me what you said". He said "Well, I want to tell you very clearly that I had it in for you from the last election because you insulted my wife". I said "insulted your wife?" He said, "yes, you hung up the phone on her". I said "because she was giving me so much nonsense and I would not take it, I hung up the phone". He said "I want to tell you I am not going to vote for you". I said "Mr. Bodden, if I get the one I think I got for Annie Huldah Bodden it is alright with me, because I have committed my cause to God and if He wants me in the Assembly you or anybody else cannot keep me out". "Well", he said, "I have no time talking around with you". I said "I do not know what talking around with a woman means. Nobody has to talk around with me". He said "I want to tell you one thing.....? I said "If you were talking around with me you would be greatly honoured, a lady of my quality for a little runt like you to be talking around with, whatever talking means". Now, he said "I want

MISS ANNIE H. BODDEN (CONTINUED): ...to tell you one thing that you are not going to get any vote from me". I said "I do not want to hear that". He said, "well, Truman had to make the law because you were crazy".....

HON. TRUMAN N. BODDEN: Mr. President, I am making at this stage a point of order. As I understand the debate it must be relevant to that which is before the House, and generally it is very clear that if the Member wishes to use names in this House she may within rule 44 (5). If it is not relevant, then Mr. President, it really takes up time within this House which we could spend for a better purpose, and I am asking that the Lady Member stick to what is relevant in this specific matter.

MR. PRESIDENT: A valid point, I think, Miss Annie.

MISS ANNIE H. BODDEN: Say pardon?

MR. PRESIDENT: I think debate must be relevant to the Bill.

MISS ANNIE H. BODDEN: Well it is relevant, Sir, and I shall prove that. Well he went on... If Mr. Truman will leave me alone he would know that I tried to protect him but he is so much against me that he tries to do everything he can to belittle me, but bear in mind, he cannot do so.

Now, Tommy Bodden said that this Law had been made because I was crazy. Well I say, put it at its worse, I was crazy. I had to hold down seven jobs to get money to get my sister better and if it sent me crazy I am happy that it did and I would do it again. He said, (this is the part that got me very upset - I said "my mother was a saint and she was/ (not too honourable laughter)", and you know what that little weasel told me that he had never heard anything disrespectful about my mother, but he had heard so much about my sister and myself. Now Mr. President, had I been near Tommy Bodden that night I do not know, I might have been in jail, because my sister was as pure as an angel. She did not speak to common people, she was not like me, I will mix with common people to try and lift them up - she would not do that.

Then he went on to abuse me and I said " well, if it is for crazy people, both you and Truman had crazy people before Annie. Huldah Bodden". Well, that went on, I was abused terribly and I will not be a party to making any law for any particular people.

I admit, Sir, that my nerves collapsed because I had to hold down seven jobs, and you do not pick up $3 time like you do now because it is not a day over my head that I do not give away $10 or $15, but it was a necessity and I think it is a shame for big people to be so small as to invent a law to hurt any particular people.

Now I know Sir, I am not very popular in this House and every device possible was used to get me out, but I can tell you Sir, I put my case in God's hands and I said "Our Father, if you want me in the Legislative Assembly please fulfil your promise in Isaiah to give me renewed strength so that I may carry on to your honour and glory. If you do not want me there, teach me to say thy will be done". Well, God put me back here and I am here to stay until 1994 and/or. And if I want I will continue after but I have promised never again, I cannot be embarrassed, to be abused, to be threatened, to be cursed like I have been. They used so far as to say that I do not know my ABCs, that is all immaterial to me. What I am saying, Sir, is this that I do not think we should legislate any law for any particular group of people, whether they are crazy, whatever their ailments might be I feel that we should stick to what is right.

Now, Mr. President, had this law been in effect when the newspaper was published there would have been a lot of people paying them $500, because that was a publication unsigned. Further, a week or so before the election there was a leaflet in the Times and in the Compass - they had my picture on it, it looked like an ape-brown monkey and bullshitting me saying that I had caused constitutional change, I was affiliated with black-power people and all the rest of it. I called the Times, nobody knew where this paper had come from. I called the Compass, same thing, but finally I consulted a

MISS ANNIE V. BODDEN (CONTINUING): very qualified Queen Counsel, because I intended to take legal proceedings. The man said "I have told Mr. Truman Bodden, on behalf of Mr. Jim Bodden, it is not libellous". The matter dropped. Why were not those papers signed? Why bring no against this, I hear, the Voice Law? And Mr. President, I have nothing against anything but justice, but I do not feel that we,as human beings should legislate any law for any particular sect of people.

Now the Law goes on here saying "This Law shall not bind the Crown". Now in my younger days I knew who was considered the Crown, I do not know now, because we could pass this law and whoever calls themselves the crown, which I know who I know the Crown to be but I do not know if other people look on it in the same light - I could be thrown before a court, innocently, and have this $300 or $600 to pay.

Mr. President, this might surprise you, but on the 6th day of July, the day our beloved Mr. Dicks was laid to rest, people broke into my house, ransacking, they said, for the machine that prints the Voice. I am saying it is a disgrace for people to ponder on what they think is an unprotected innocent woman like they have done.

Now I am not saying one thing against my colleague from George Town, Mr. Bodden, in fact I praised him up so much in the last election that my colleague were very annoyed with me, they said you must be trying to get Truman in. I said,what is wrong with Truman? I consider him a qualified good lawyer, but from the response I got from him I am sure that he would not say that much about me.

Now I have nothing against one soul in this House, I do not need anything they have because I am an independent woman, the style I live. I do not need to be harrassed by people and I will not stand for it, but I am saying,Sir, we should pass legislation that would lift us up, take us above petty things,and this Voice on they will it had to be published, the public had to know something because the Mortlassian, the only publication that seemed to be unbiased, was jammed up, curtailed. Desmond Seales was called a nut, a black-power, every thing. The good fellow who went off the Island and now of the Voice, which I do not know anything about the Voice except I found a lot by my door in the office and home, but who put them there I do not know, but I can tell you, Sir, I have retained a copy of every publication which I have on file), and I still repeat that I feel we should not make the law for any specific set of people. We should make general laws, laws that will capture everybody if they are wrong, but will acquit those who are right.

Now I repeat, I have nothing against one soul in this Assembly, they have not got one thing that I want except family, and that is a happy loving family, not like it is now because moral fibre of our country is the lowest it has been in history, and I feel we should be doing things to uplift and not doom two or three people who are a little different from the crowd. Thank you.

MR. PRESIDENT: It is time to interrupt business. I will ask the Chief Secretary to move the motion on the adjournment.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. AT 6:35 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. TUESDAY, 17th FEBRUARY, 1981.

STATE OPENING AND FIRST MEETING OF THE (1991) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON TUESDAY, 19TH FEBRUARY, 1991

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON. DENNIS E. FOSTER, MHA, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON. DAVID R. DARWICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON. PASSEL G. JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON. THOMAS M. HODDER | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON. JAMES M. BODDEN * | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON. KEITH C. HOLDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON. JOHN B. MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

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| MR. GARSTON C. SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. DALMAIN D. EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. BENSON O. EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. NORMAN W. BODDEN, MHA | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HULDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT. CHARLES L. KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT. GABBY S. KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR. CRADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

* Absent in the p.m.

ORDERS OF THE DAY

SECOND DAY

TUESDAY, 17th FEBRUARY, 1981

1. GOVERNMENT BUSINESS

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE - TO BE LAID ON THE TABLE BY THE HONOURABLE V. G. JOHNSON, C.B.E., J.P.

APPROPRIATION BILL, 1981 - FIRST READING

FINANCIAL STATEMENT BY THE HONOURABLE V.G.JOHNSON, C.B.E., J.P. - SECOND READING

SUSPENSION OF THE HOUSE

RESUMPTION OF THE HOUSE

2. QUESTIONS: -

MISS ANNIE HULDAH MORRIS, O.B.E., OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO.6: Will the Member make a statement concerning the number of patients sent overseas for the last eighteen months and the nature of illness in each case?

NO.7: Numerous complaints have been made to legislators concerning present day conditions at the Government Hospital regarding food, inadequate supplies of linens, cutlery, crockery, etc.

Will the Member state whether he has ordered an investigation to be made and if so, what has this revealed?

NO.8: Will the Member indicate the number of nurses at the Government Hospital whose services have been dispensed with or who have resigned within the last two years?

CAPT. CHARLES L. KIRKCONNELL OF CAYMAN BRAC TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS

NO.9: The main cargo service at the Port is provided by the same shipping company which operates a shipping service into these Islands, these services are provided under a license granted to it by the Port Authority and the conditions of working ships appear to be in contravention of the Port Authority Regulations 49 (1) which states that - "As far as may be practicable cargo shall be discharged from and loaded into ships in the order of their arrival in port....". The actual handling of ships of the company takes precedence over other ships which have arrived and in some cases, are in the process of being discharged.

BILLS: -

The Printing of Papers Law, 1981 ( DEBATE ON SECOND READING CONTINUED)
The Public Health Law, 1981 FIRST & SECOND READINGS
The Grand Court (Amendment) Law, 1981 - COMMITTEE THEREON
The Juveniles (Amendment) Law, 1981 - COMMITTEE THEREON
The Summary Jurisdiction (Amendment) Law, 1981 - COMMITTEE THEREON
The Traffic (Amendment) Law, 1981 - COMMITTEE THEREON

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TUESDAY, 17TH FEBRUARY, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1981 - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House the Draft Estimates of Revenue and Expenditure for the year 1981.

MR. PRESIDENT: So ordered.

THE APPROPRIATION LAW, 1981

FIRST READING

CLERK: The Appropriation Law, 1981.

MR. PRESIDENT: A Bill intituled "The Appropriation Law, 1981" is deemed to have been read the first time and is now down for second reading.

SECOND READING

CLERK: The Appropriation Law, 1981.

HON. V.G. JOHNSON: Mr. President, I beg to move the second reading of a Bill entitled "The Appropriation Law, 1981".

Mr. President, in the customary manner and in accordance with the provisions of the Standing Orders of this Honourable House, I present with pleasure the financial instrument in support of the Appropriation Bill, 1981 which is now in the process of its second reading.

Mr. President, in your Throne Speech delivered yesterday morning, you ably touched on important achievements in 1980 and outlined proposals for the new year. You will find a few duplications in this Address; it is unavoidable as both presentations must deal with finance and the economy and even though the subject matter varies from one to the other, similar areas are touched by both.

The Budget for 1981 is in the sum of CI$40.67 million, being 33 per cent over the 1980 estimated expenditure and 28 per cent over the 1980 revised expenditure. I must also mention that due to the phenomenal output of the economy and growth of Government's revenue, no new tax measures are to be introduced to become effective in 1981. On the contrary import duty will be removed from a few items of food.

The Decade 1970 -1980

The closing of 1980 saw the end of a remarkable decade with many achievements. It started with an economic boom the magnitude of which the country had never experienced before and this caused Government to give urgent consideration to the need to institute adequate planning and controls in all areas of economic activity in order to achieve harmonious growth and development. By the middle of the decade the country was unfortunately hit by a severe worldwide economic recession which created an unemployment situation with unpleasant social effects. Government decided to tackle the problem by introducing a capital expenditure programme within the limits of its resources to ease rising social tension. Although much criticised, the programme with a specific purpose successfully achieved its objectives. This slowdown in economic activities mainly in construction and the real estate business persisted for about three years until the depressed world economy found a turnaround to recovery. The Cayman Islands weathered the economic storm quite well with the minimum of consequential damages, and entered in 1978, what was to become one of the most prosperous and momentous periods of the country's history. Despite a second worldwide recession which still persists, the Cayman Islands

HON. V.O. JOEFSON (CONTINUING): did not experience effects similar to those of 1976.

In the early years from 1970 there was a fury of institutional reorganization in Government, to better cope with the pressures of an economic boom, and to successfully induct the administration into the new constitution, while at the same time keeping abreast of private sector development. During this review and adjustment period Government found it extremely necessary to devise a capital expenditure programme which was known as the 1970 - 75 Development Programme. The programme embraced all areas of need and named 29 projects of varying sizes and descriptions at a cost of $31 million.

Those projects in the programme worth mentioning and which have been fully implemented are: the Cayman Islands Comprehensive High School, the Cayman Brac High School, Primary Schools in all districts, the Legislative Assembly and Court Buildings, the Administration Building, the Police Headquarters and Police Sub-Stations in West Bay and North Side, the Radio Station, the George Town Port Facilities, Domestic Fire Service, Paved Roads throughout the Islands, Road on the Cayman Brac Bluff, reconstruction of the George Town Hospital, Improvement to Cayman Brac Airport, Cayman Brac Civic Centre and Development of the Mosquito Research and Control Unit. These and other smaller completed projects cost $32 million financed by ordinary Local Revenue $10 million, Loans $8.8 million and British Government Grants $3.2 million.

Those projects which remain to be completed are: (1) A new Terminal Building at Owen Roberts Airport - construction on this project will begin in 1981; in the meantime a sum of over $300,000 was spent on renovating the old building so it could continue to be functional. (2) Port Facilities in Cayman Brac: this project will be completed in 1982. (3) Public Water System for Grand Cayman: many studies have been undertaken and in the interim Cayman Water Company has provided fresh water for the Seven Mile Beach, an area which was of greatest concern. (4) Sewerage - this project is still considered a priority for health reasons and it seems that if there is to be undue delay in the implementation of a public system of sewage disposal, Government should look at the possibility of providing statutory requirements for all large commercial buildings, hotels, condominiums and office blocks to construct as part of the building design, adequate and acceptable sewerage facilities. (5) Government Printery - the local private printing companies assured an adequate and competitive service and as a result the project to provide a Government owned printing unit was abandoned. (6) Market and Abattoir - this was the smallest project and seems to have been overlooked all the way.

In spite of the fact that these last six projects were not completed within the time span, feasibility studies on all of them were undertaken. In summary the programme can be termed a success in many respects, one of which points to the fact that Government was able to remain in the driver's seat of this country, assisting the private sector in all areas of social and economic development.

The Cayman Islands made great strides over the decade. For example, we saw revenue move from $4 million in 1970 to $35 million in 1980: expenditure grew likewise: imports rose from 25,000 tons to 115,000 tons; the number of banks grew from 40 to 324 and revenue from bank license fees from $27,000 to $2.7 million. The number of people employed in banks and trust companies increased from 190 to 900. Companies on register went from 4,500 to 12,000 and companies fees from $270,000 to $3.8 million. We saw tourist arrivals grow from 23,000 to 190,000, hotel beds from 1,260 to 2,210; expenditure in the Department of Tourism from $126,000 to $1.4 million; Tourism Accommodation Tax revenue from $74,000 to $524,000 and Travel Tax revenue from $30,000 to $500,000. We saw Education recurrent expenditure increasing from $243,000 to $3.6 million and the number of students in Government Schools growing from 1,700 to 2,764. During the period we saw an enormous increase in the price of consumer goods. We saw Housing rise by 400 percent, Transport 377 per cent, Clothing and Personal Effects 320 per cent, Petrol 240 per cent and Food 207 per cent. The average rise in cost of living for the 10 year period was 283 per cent.

HON. V.G. JOHNSON (CONTINUING):

In 1972 the Cayman Islands issued for the first time a currency consisting of four coins and four notes to replace the Jamaican currency which had been, for a long time, legal tender here. This development of a local monetary system which was first linked to sterling and a couple years afterwards pegged to the United States dollar, made a great impact on the growth of the financial industry. The assets of the Currency Board today is approximately $10 million.

In 1977 Government introduced the first physical development plan to guide and control land use in the Cayman Islands. The plan was seen as a significant step in the right direction and an attempt to treat land and its future development in such a manner that any harmful effects resulting from rapid growth would be minimal while benefits would accrue equally to all.

Also in 1977 we saw Cayman Airways, the National Airline, incurred as a fully owned Government entity with effective control over its operations established in the Cayman Islands. We saw the Airline grow substantially since 1977; it now operates four aircraft and its staff has grown since the conversion, from 50 to about 160.

The decade ended with a pleasant note to the economy as Government introduced an Insurance Law and Unit Trust Regulations both of which will undoubtedly create an impact on the economy, for already insurance licences have provided Government with revenue in 1980 of $275,000 and an estimated sum for 1981 of $750,000.

The past decade with so many accomplishments was quite a challenging period for all who participated in the development of the Cayman Islands; now we must be prepared to undertake in this new era, the unrelenting task of protecting our economic achievements and our enviable position as a world leading offshore financial centre.

The year 1980 - Its Performance

The closing of 1980 saw the end of an extremely active year. It was characterized by an unprecedented revenue growth of 45 per cent over the actual collections for 1979, without the aid of new tax measures. This growth was mainly in the areas of import duty on construction material and stamp duty from real estate business.

The beginning of the year saw an exceedingly high American interest prime rate which affected businesses in the Cayman Islands as financing of big capital projects depends on the availability of U.S. dollar loans. However, by the beginning of April the American Government eased their credit restrictions in response to mounting signs that their economy was heading for a severe recession, and as a result interest rates fell from 20 per cent to 11 per cent. This favourable decline in the rate accelerated activities here and soon the investment fever was on a rise again producing a spate of development in condominiums throughout the islands, and office accommodation in George Town. Towards the end of the year U.S. interest rate was back to a height of 20 per cent and was expected to continue rising. Instead, however, by the beginning of 1981 the U.S. rate seemed to have reached its optimal peak and was on an irregular decline again. The Cayman dollar prime rate remained fixed at 10 per cent throughout the year and contrary to fears in the banking community, the rise in U.S. interest rates had no pronounced adverse effects on the Cayman dollar position. This was largely due to the commendable attitude of depositors to maintain their position in the local currency. An example of the situation is that at the end of December 1980 the clearing banks trading here indicated a surplus of Cayman dollar deposits over loans of $7.4 million.

The economy, which revived in 1977 after a three year lull resulting from the general worldwide recession and land failure, has been on a steady climb since that time. In spite of depressed situations reported in the United States and other parts of the world even at the present time, growth and development in the Cayman Islands have so far been a resounding success. This enormous growth is confirmed by Government's revenue intake mainly from imported building materials and the real estate business which boosted total revenue in 1980 by over 45 per cent.

HON. V.G. JOHNSON (CONTINUING):

Most investors, developers and residents of these Islands are perhaps anxious to know is how long will the boom continue. Each individual country, small or large, can create its own economic well-being by good management and the correct attitude especially to investors.

Inflation

Before commenting on the main sectors of the economy perhaps inflation should be mentioned. In the boom period of 1970 -71 inflation grew in these Islands at the average rate of 10 per cent per annum and during the recession of the mid- 1970s it fell to an average rate of 3 per cent. It is now spiralling again and reached 14.3 per cent at the end of 1980 and is likely to move on to the 1970 - 71 level of the boom continuum. The consumer price index stood 207.3 points or 14.3 per cent in 1980. During the past year Housing and Petroleum Products have been registered as the two commodities on the Consumer Price Index with the largest percentage increases of 36 per cent and 22 per cent respectively. In fact Housing was responsible for 50 per cent of the increase in the index.

Inflation is created through rapid growth of investment by both Government and the private sector and results in shortage of labour and a growing number of people receiving higher income. These two forces generate an ever increasing monetary demand on the limited available resources and soon the country is unable to adequately meet the demand. This results in rising prices for all products and services as people who can afford it are willing to pay more, thereby obtaining a greater part of the limited supply.

I will now deal with the various sectors of the economy:

Tourism

Tourism is one of the main pillars of the economy and therefore it must continue to steer the country towards a tourist oriented future within a framework acceptable to the people of this country. The industry continued a strong growth pattern in 1980 and the same trend is projected for 1981.

Tourism is largely supported by the financial industry as large numbers of business executives, some with their families, visit each year to keep in touch with their business activities here or to conduct new business. There are also the tourists who after coming here to relax, become enchanted with business as well. Tourism and the financial industry are therefore inter-related in their economic values.

The Financial Industry

The financial industry is the second important pillar of the economy, and it is on this and tourism that the future of these Islands depends. It is from these two main streams of the economy that by and large other activities emanate. At the present time there is enthusiasm about the country's future and this is based largely on the quality of business attracted here in all areas of finance.

(a) Banking: On the banking side we now have about 25 of the world's 30 top banks. This build-up of well-known and reputable banks from over 20 countries around the world was possible because the institutions were attracted here by the stability of the Islands, excellent communications and services, the minimum of Government statutory regulations and administration interference and confidentiality which has given to all who operate here the highest degree of financial secrecy in their business transactions. This is sufficient reason for the Cayman Islands to continue consolidating its position as a world leading off-shore banking centre. The value to the Cayman Islands of the financial industry is far more than the sum total of its institutions, the services offered and the income to the country. The most valuable asset is the confidence reposed in the Cayman Islands by the international financial community. We must therefore do everything to protect our good name and to build on it.

At the end of 1980 there were 334 banks and trust companies on the register which is an increase of 21 over the previous year.

HON. V.G. JOHNSON(CONTINUING): Revenue realized in 1980 from license fees amounted to $8.7 million and will increase in 1981 according to the issue of new licenses. I will comment shortly on banking in 1981. In addition to license fees there are the indirect benefits to the economy from the financial institutions established here. In 1979, the latest year for which statistics are available, over $10 million was spent in the Cayman Islands by way of operating costs and in salaries to some 580 employees. Among other fringe benefits from banks and trust companies is the spending they provide for local trade and development which is essential to the promotion and growth of the economy.

On the domestic banking front there are two points worth noting. Firstly, it is the view that each institution should make every effort to bring more Caymanians into senior positions. Secondly, it can be difficult for Caymanians not only to find mortgage finance, but also to obtain it on suitable terms. Government will be seeking discussions on both these matters with the Banks and Trust Companies at the earliest opportunity.

I now wish to make a few brief comments on the future of banking in these Islands or the future of the Cayman Islands as an offshore financial centre. According to recent publications, in nine months time banking centres around the world, both big and small, will face a formidable new rival in the business of international offshore banking. That rival will be New York. The plan, to establish in New York a banking free zone, has been under discussion for a long time but according to New York State Authorities, as from October 1981 American banks will be allowed to set up in New York special departments called "International Banking Facilities" which will be free from all major United States banking regulations and state taxes. New York banks will thus be able to compete directly with offshore banks which are subject to tax and regulatory procedures. It is thought that the premise is to repatriate business now in offshore "shell" operations on Caribbean Islands like Bahamas and the Cayman Islands. We, however, believe that even after New York opens its facilities to international banking there will still be the need for the offshore type operation like our own. Nevertheless, this threat must not be treated casually for we are now at the stage where we must be prepared to offer competition in offshore banking or suffer losses to New York. I feel that the institutions of Government and the private sector concerned will respond to the challenge.

(b) Insurance: Much has been said recently about the new Insurance Law which was brought into effect during 1979. It seems a wise decision by Government to promote at this particular time the offshore insurance business with the aid of the new Insurance Law because registration fees from insurance income could prove important to the Cayman Islands.

Many licenses under the Insurance Law have been issued and there are many more to be granted. A more accurate assessment of the revenue annual yield from license fees will be determined by the next budget session in November when all insurance companies operating prior to the effective date of the Law have come forward and been licensed. The combined revenue for 1980 and 1981 is estimated at $1.5 million.

(c) Companies: Companies registration continues to be the Government's largest source of revenue within the financial industry. In 1980, 2,879 new companies were added to the Register bringing the number of companies at 31st December, 1980 to 12,798 made up of 5,866 Exempt, 5,870 Ordinary and 948 Foreign. Annual companies fees in 1980 amounted to $6.26 million, an increase of 17.83 per cent over the previous year.

Companies registration and incorporation in the Cayman Islands have progressed tremendously over the years and this is attributed to the attractiveness of doing business with a stable Government, a pleasant atmosphere generally, the Islands proximity to North America where the bulk of new business originates, and the expertise in the formation of a new company. Other attributes too are the high professional standards of the local pensioning firms and efficiency within the Registrar's Office.

(d) Ship Registration: Ship Registration in the Cayman Islands is now in limbo. It was hoped that by this time the British Government would have been in a position to approve the long outstanding proposal to improve the ship

HON. T.G. JOHNSON (CONTINUING): registration system here, so that the Cayman Islands could attract from the international market a bigger volume of tonnage thereby providing another substantial source of revenue. However, because of political influences from countries around the world, the United Nations Conference on Trade and Development is considering a proposal to phase out in under-developed countries "flag of convenience operation or open registries," a term which includes the Cayman Islands. Until UNCTAD's resolution has been decided the British Government cannot determine whether or not the Cayman Islands will succeed in its bid to become a port of registry of acceptable international standards. Of course it was never the intention of this Government to operate a sub-standard registry, and therefore, the term "flag of convenience operation or open registries" should not apply to the Cayman Islands.

Ships are still being registered here but they are smaller in tonnage than those registered prior to 1980. Larger ships are being eliminated because of the present uncertainties over the future of registration here. There were 178 new registrations in 1980 compared of 171 in 1978. Registration fees for 1980 amounted to $96,000 as against $105,000 in 1979. In 1978 tonnage was much larger and a substantial amount of fees in arrears were collected resulting in a much larger revenue than in 1980.

Currency

Cayman currency in circulation experienced in 1980 the largest annual growth, about 8% per cent, since it was issued in 1972. At the 31st December, 1980 the face value of currency in circulation, 30 per cent of which is notes, was over $2 million. This does not include numismatic coin issues which have provided the board with royalties amounting to $2.14 million. During 1981 a new programme of ten gold and ten silver proof coins, featuring the 37 Kings of England, will be issued.

The total assets of the Currency Board are now approximately $10 million dollars of which $6.5 million is required as a backing for the currency in circulation. About 20 per cent of these assets are in short term deposits taking advantage of the very high interest rates available at present. Longer term investments in the bond market within statutory limits will be considered at the appropriate time. The remainder of the assets are in U.S. dollar bonds issued by the United Kingdom nationalised industries and guaranteed by the British Government.

The Currency Board with the approval of Government will issue in 1981 two higher value currency notes above the $25 bill; they are a $50 note and a $100 note. It is thought that the proposal for higher value notes will meet with much enthusiasm from the public especially where large transactions and payments relating to wages are concerned. The $50 note which will carry a design of a scene from a previous landing on the opening of Pirates Week could prove of financial benefit to the Board. The view is that the CI$50 note is equivalent in value to a US$50 note and that many visitors to the annual national Pirates Week Festival would buy the note. The sale of these notes to visitors would increase the currency in circulation thereby providing a bigger income to the Board from the invested funds representing the backing for the currency; it is not likely any of these notes leaving the Islands will ever be redeemed by the Board which will be to the Board's advantage. The $100 bill will carry on the reverse a design of an aerial photograph of George Town. The two notes will be the same size and carry the same obverse design of the present four notes. It is hoped that the issue of the two notes especially the $50 note will coincide with the 27th Annual Rock Celebration towards the end of October.

Exchange Rate

Late in 1980 the Clearing Banks operating here agree, after a long period of negotiation, on late a first step in narrowing the commercial bank rates between buying and selling U.S. dollars for Cayman dollars. They agreed for a two phase adjustment in January and July 1981 when the three cents spread between 82 cents and 85 cents Cayman would narrow

HON. V.G. JOHNSON (CONTINUED): to two cents; buying would then be 82.5 cents and selling 82.5 cents.

The view had long been expressed that the bank rates either side of the official rate of 83.33 cents were very wide and should be narrowed. The banks introduced the wide spread after the currency adjustment in 1974, as they said that they faced the risk of loss in the case of future currency adjustments. In the absence of a Government promotion for advanced notice of any such adjustments, they said they would need to cover themselves with sufficient profits from dealings to cushion any losses in such eventualities. There were two reasons for the dollar revaluation in 1974, (i) to switch parity from sterling to the U.S. dollar, and (ii) merely to restore the original value of the local currency from its floating position with sterling. It had no connection with the economic state of the country and the bankers were very well aware of this. In fact in prior the case there have been no adjustments of the currency in the seven years since then. Switching the relationship of the Cayman dollar from sterling to the U.S dollar, which had sound economic grounds, was a popular request by the general public of these Islands including the bankers.

The benefit of the one cent adjustment, which will be achieved by the 1st July, 1981 is very small to the individual member of the public who deals in a few U.S. dollars; however, the adjustment will mean a great deal to the bankers whose profits on exchange will be reduced by one-third. The public is suggesting, and this will be discussed with the bankers shortly, that the adjustment would be more meaningful to them if the one cent was applied to the selling rate so that the spread would be 82 - 84 cents.

Exchange Control

Exchange Control in the Cayman Islands was repealed in May 1980. This action followed a proposal to Executive Council in 1978 to suspend the operation of exchange control in the Cayman Islands after Britain disbanded the Sterling Area. The Sterling Area was made up of Commonwealth Countries whose currency was on parity with sterling. The countries after being disbanded were free to deal with their own currency as they wished and this caused the Cayman Islands to consider removing the control. However, Members of Government were not unanimous in the decision to suspend exchange control and thus the reason for the long delay in repealing the law. What accelerated action here, however, was when Britain, the Chief Architect and Promoter of Exchange control, repealed exchange control in the United Kingdom in 1979.

The abolition of exchange control in the Cayman Islands is seen as a new dimension in the progress of the country. It should illustrate the pressures created by currency restrictions on development, and become a production force within the economy. In fact since mid-1980 such a trend was noticeable. Despite abolition of exchange control, the Cayman dollar is and will continue to be the legal tender in this country and should be supported as such at all times by every resident.

Revenue and Expenditure

In 1980 ordinary recurrent revenue was estimated at $22.7 million and realized at $30.8 million, an increase of 24.5 per cent. Expenditure was estimated at $26.0 million and revised at $31.03 million an increase of 19.2 per cent. However, included in the revised expenditure is $3.5 million charged to General Reserve and representing surplus revenue from 1979. Normal expenditure as revised excluding the charge to reserve is therefore $29.52 million being an increase over the approved estimates of 8.7% per cent. This increase largely represents additional salaries awarded under the Hall'in Report and supplementary capital expenditure.

The increase in revenue is mainly from Customs Import Duty which produced an additional $5.3 million, Stamp Duty from land sales - $2.25 million, Interest on Cash Balances - $750,000, Companies Fees - $500,000, Royalties on Oil Transfers at Little Cayman - $200,000 and Work Permit Fees - $250,000.

HON. V. H. JOHNSON (CONTINUING):

While recurrent expenditure increased 12 per cent, capital expenditure fell by 10 per cent producing the net result of 6.7% per cent increase in the 1980 budget mentioned earlier. The fall in capital expenditure was due to delays in the implementation of the Cayman Brac Pier, Owen Roberts Airport Terminal and a Roads Programme covering the three Islands. As feasibility studies on these projects have now been completed, construction should begin in 1981. Financing is to be met with proposed loans from Caribbean Development Bank and Canadian Government Aid Agencies together with a contribution from local revenue.

The year's operation ended with a surplus revenue of $5,431 million carried forward to 1981. In 1980 a sum of $3.5 million taken from the 1979 surplus of $3.5 million, together with a budgeted provision of $200,000 were carried to General Revenue. Also, the proceeds of the Capital Projects Fund, Public Building Replacement Fund, Boat Replacement Fund, and Lighthouse Fund amounting to $1,297 million were transferred to General Revenue which at the end of 1980 stood at $2.984 million.

Public Debts did not increase in 1980 from the level of $7.86 million at the beginning of the year except for a portion of the European Development Fund loan of $370,000 applied to the Cayman Brac Airfield Runway Extension. The level of public debts represents 34 per cent of revised recurrent revenues for 1980 and three per cent of such revenue will be required to service the national debt. Many countries under their financial policy fix a limit on annual charges of public debts equivalent to 20 per cent of recurrent revenue. The Cayman Islands three per cent is therefore quite manageable.

Cayman Brac and Little Cayman:

The economic climate of Cayman Brac and Little Cayman improved very well in recent time and to the extent that 1980 has been described as one of the most prosperous years in the history of the Islands. In spite of the disaster created by Hurricane Allen on the 6th August, 1980, the economy still appears to be in a healthy condition. The Islands, like Grand Cayman, are now enjoying full employment and the exodus of job seekers to Grand Cayman in particular, is dwindling.

During the year Government applied much effort and financial resources to capital development in Cayman Brac. The years 1977 to 1980 have indicated a greater per capita expenditure.

Damages from the aftermath of Hurricane Allen were heavy and demanded immediate relief. The British Government rallied to the cause quickly by providing assistance in the form of labour from the crew of H.M.S. Sepilla to restore electricity and repair damaged homes. People throughout the three Islands also responded generously and through the kind auspices of Cayman National Bank and Trust Company donated CI$67,790. In addition a sum of CI$88,506 was received from claims to Government's Insurers. Government itself contributed over CI$150,000 bringing to $347,00 the amount spent on restoration of property damaged by Allen. The people of Cayman Brac and Little Cayman are to be admired for their courage and effort in organizing and implementing emergency measures on the occasion of Hurricane Allen which enabled the Islands to emerge without any loss of lives in spite of the dangerously high winds over the Islands that reached a velocity of 150 miles per hour.

The ship to ship oil transfer operation by Cayman Energy Ltd. continues to be the main economic activity. It offers employment to a considerable number of persons and in 1980 provided royalty to Government of $651,000.

Broadcasting

Radio Cayman began its operation just over four years ago and during that time it earned in advertising revenue $855,000 as against recurrent expenditure of $830,000. Although its revenue for 1980 of $878,000 is just 95 per cent of recurrent cost, it exceeded the previous years earnings by 10 per cent. The projection therefore is that the Department will enjoy a balanced recurrent budget in 1981.

Broadcasting was established as a service to the

HON. V.G. JOHNSON (CONTINUING): commodity and not necessarily a revenue earner, however, it appears that while the Department is concentrating efforts on improving the service, it is also aiming at promoting finances which is commendable.

Immigration

The Immigration Department's revenue for 1980 from trades and business and gainful occupation license fees also reflected the results of a growing economy and increased over the approved estimates by 4% per cent to $811,000. The Department's office accommodation and staff complement improved during the year allowing for greater capability in meeting the demands of the public.

Police

The continual growth and prosperity of these Islands have placed undue strain on the Police Department and as a result there is urgent need to assess requirements and plan for an improved police force. The recent change in administration provided a new approach to some of the old problems and with financial assistance from Government and public support there should be marked improvement in the near future. Firm steps have been taken to control drug trafficking here and so far the programme has met with much success mainly because of the professional assistance from the United States Drug Enforcement Agency. However, the Department is in need of increased and suitable marine police power and will be acquiring technical equipment for this purpose in the new year. Staff will also be increased in the Department as part of the improvement programme.

Prison Service

As from 1981 the Prison Service will be physically separated from the Police and operated as a Department under the portfolio of Internal and External Affairs. The Prison Adviser recruited in 1980 to guide the establishment of the Department on its new premises at Northward in Pedro, has been appointed Head of the Department. The staff has been increased from 30 in 1980 to 52 in 1981 and Service will be catering to short as well as long term prisoners. After completion of the second phase of development, the need to send long term prisoners to Jamaica will be obviated.

The recurrent estimates of expenditure for 1981 is $825,414 and capital covering the second phase development $498,800. The 1980 capital cost of the first phase development was $686,700 of which the British Government provided $498,000 as an interest free loan.

Customs

The biggest source of Government's income equivalent to 60 per cent of total revenue comes from customs duty on goods from foreign countries largely the United States of America which exploits approximately 70 per cent of all imports. As a result of the tremendous building boom, revenue from customs duty soared 60 per cent in 1980 over the approved estimate. The Department coped well with collections despite no increase in staff and despite personnel shortages the staff is to be commended.

Legal Department

Apart from the overall legal responsibilities in Government, the Legal Department plays a very important part in the progress of the Cayman Islands as a financial centre. Included in the 18 laws prepared by the Department and passed by the Legislative Assembly in 1980, were legislations touching directly on the financial industry such as the Exchange Control (Repeal) Law and amendments to the Banks and Trust Companies Regulation Law, the Insurance Law and the Local Companies (Control) Law. There was also a very important amendment to the Pensions Law effecting the Civil Service whereby the wives and children of permanent and pensionable members of the Service are now entitled to greater benefits in such cases like where an Officer dies while serving or after retirement.

HON. V.H. JOHNSON (CONTINUING):

Medical

Improvements to Health Services continued during the financial year at a cost of $300,000. These included: (a) construction and equipment of two new operating theatres and a recovery room at the George Town Hospital. These were officially opened in August 1980, (b) conversion of the old operating room into a surgical ward scheduled for completion in 1981, (c) modification to the Administration Block which will include a conference room and additional office space; (d) paving the parking area; (e) construction of nurses' facilities for the Department's nationals; (f) a new and larger auxiliary generator plant purchased and installed to ensure proper functioning of the Institution in event of disaster, (g) central air conditioning for some sections; (h) additional office space acquired on Smith Road for the expansion of the Public Health Services; (i) modern filing cabinets installed in the records office for the proper storage of patients' dockets and (j) new equipment acquired for the laboratory, physiotherapy and housekeeping sections. Other ongoing and new projects include remodelling the out-patient department, forming the complete extension of the maternity ward to provide for a larger nursery, and extension of the laboratory and physiotherapy sections.

Many improvements were also carried out at the Faith Hospital in Cayman Brac. These included the construction of a new isolation and operating, recovery, delivery and dining rooms, a new ambulance and modification of the dental clinic to provide additional accommodation. The Faith Hospital project was assisted by a generous contribution of US$200,000 from Cayman Shrimp Ltd.

Education

The Education Department's revised recurrent and capital expenditure for 1980 is $1.46 million or 20 per cent of the national budget.

Recurrent expenditure increased by 23 per cent over the 1979 actual commitments and the areas reflecting substantial increase were salaries, books and equipment, scholarships and remuneration.

Capital expenditure in the sum of $1.3 million provided physical facilities for the schools. The construction of Phase II of the Middle School commenced for $502,000 and $152,000 went to the new school for the handicapped which was completed with very strong public support under the auspices of the National Council of Social Services and placed under the direct administration of the Education Department with effect from January 1981. Other major projects included: (a) a classroom block at Creek Primary School, (b) a library and administration block at the Cayman Brac High School, (c) extensive renovation programmes at the Grand Cayman High School, (d) the start of construction of additional classrooms at West End and Bodden Town Primary Schools and (e) a canteen for the Grand Cayman High School. The projected building programme for 1981 is estimated at $1.297 million and will include Phase III of the Middle School, classrooms at the Cayman Brac High School and Savannah Primary School, and a teachers' centre in Grand Cayman.

The public school system comprises two Secondary, One Middle and nine Primary Schools. During the year under review these schools catered to a total enrollment of 5,794 students of which 1,056 are pursuing secondary education and 656 are in the Middle School.

Scholarships, at a cost of $271,000, were awarded to 61 students pursuing courses at colleges and universities in the United States, Canada and Britain in the fields of Teacher Education Programmes, Medicine, Law, Accountancy and Business Administration.

Social Services

Poor Relief Assistance in the sum of $78,000 was distributed to a total of 78 persons in Grand Cayman now permanently on the records. Temporary monthly relief amounting to $1,175 was granted to 11 persons while 19 others received assistance totalling $1,231 for various reasons. A contribution of $3,750 was made to the Cayman Brac Rest Home which presently

HON. V.C. JOHNSON (CONTINUING): accommodates elderly persons.

Agriculture

Through financial assistance from the Canadian Government consultants were engaged to provide a farm development plan. Their report is now with Government for study and the implementation is planned for 1981.

The Turtle Farm in which Government has a small vested interest reduced its operations to a minimum by the end of 1980 due to the ban placed on turtle products by the United States of America which was our chief market. This seriously affected the farm's viability and gave the Government cause for concern.

The Agricultural and Industrial Development Board came into operation during the year. It is financed by a start-up grant of $57,800 from this Government and a loan of US$400,000 at four per cent interest from Caribbean Development Bank for on-lending to farmers and small industrialists. Loans are made by the Board for short, medium and long terms at a current interest rate of 10 per cent. It is hoped that similar financing will be made available locally during the year.

Lands and Surveys

Land transactions increased considerably in 1980 reaching a record figure of 1,571 as compared with 760 in 1979 and 1,140 in 1978. The value of property transferred during the year amounted to $71 million or nearly twice the figure for 1979 and four times that for 1978, displaying the faith shown in our stability by investors. Stamp duty collected by the Registry amounted to over $6 million; the corresponding figures for the previous two years were, 1979 $3.5 million and 1978 $3.2 million.

General increase in the activities of the Department was also reflected in the Survey and Drawing sections: nearly 500 parcels of land were added to the register bringing the total to about 15,000. It can be said that the Department has put much effort into keeping pace with this moving by the expeditious manner in which a vast number of transactions are processed daily. This effort is a valuable contribution to economic growth.

It may be appropriate to mention at this time that the Cadastral Survey project which commenced in March 1978 has been completed at a total cost of $1,031,000 of which the British Government contributed 60 per cent.

Planning Department

The number of applications for planning permits of all types rose from 500 in 1979 to over 780 in 1980. Revenue collected amounted to approximately $104,000 as compared with $146,000 in 1979. This Department is adequately covered in the Throne Speech.

Mosquito Research and Control Unit

In 1980 the Mosquito Research and Control Unit completed 14 years of operation during which time control measures greatly contributed to the development of these Islands and the Unit's expertise became recognised overseas.

The Unit suffered an unfortunate loss when its older spray aircraft crashed in August, luckily without injury to the pilot. In spite of this loss a record number of 740 spray flights were made during 1980. It is planned to replace this aircraft with a similar machine in 1981 at a cost of approximately $190,000.

Physical control continued with the construction of a further 13 miles of canals providing primary control to 1,681 acres of mangrove swamp between Red Bay and Newlands. A provision of $210,000 is recommended in 1981 for heavy equipment.

Civil Aviation

Civil Aviation Department in conjunction with Public Works Department carried out a programme to lengthen and equip both airport runways on Grand Cayman and Cayman Brac. The programme was not quite complete at the end of 1980. In Grand Cayman the Owen Roberts Airport

HON. V.G. JOHNSON (CONTINUING): runway was extended by 800 feet at the western end at a cost of $275,000. A further extension of 200 feet at the eastern end is planned for 1981 together with relighting the field and improving other areas of the operation. The main purpose of this project is to assist Cayman Airways to fly longer distances without load restrictions and to accommodate improved flight equipment. The Cayman Brac Gerrard Smith Airport runway was extended to 5,000 feet at a cost of $385,000 and will in 1981 be further extended to 6,000 feet and widened to 150 feet, with improved lighting to accommodate a jet service. New terminal buildings and parking facilities at both airports will be considered this year. We welcome the appointment of a Caymanian to the post of Director of Civil Aviation.

Domestic Fire Service

The Domestic Fire Service, previously amalgamated with the Aerodrome Fire Service, improved its equipment by the addition of two new fire tenders. Additional equipment estimated to cost $495,000 will be acquired in 1981.

Postal Services

The Postal Department makes a valuable contribution to the social and economic life of the country: it provides nearly 80 per cent of total revenue and continues to be the second largest revenue earner after Customs. The 1980 performance was exceptional. Revenue was estimated at $3.544 million but collections reached nearly $6 million, five point three million dollars of that figure came from stamp duty on the sale of land which was collected largely by the Department of Lands and Survey. The movement of mails on both the international and local scenes was largely improved in recent time. In 1980 arrangements were completed with the United States Postal Authorities to have all ocean mails sent to Miami instead of Tampa and to airlift it from Miami to Grand Cayman twice weekly replacing the old system of transportation by boat from Tampa twice monthly. On the local scene, an additional 330 private letter boxes were installed at the Central Post Office to satisfy the ever increasing list of subscribers. Space is now fully utilized and therefore the present building cannot accommodate any more boxes. It may therefore be appropriate to start early planning of a new post office for George Town.

Government Plant and Vehicle Scheme

This scheme was established in 1977 to provide vehicles and equipment to Government departments on a hire arrangement at rates based on maintenance, repairs and replacement costs. The system has operated satisfactorily and efficiently and has proven a useful means of rationalizing the use of Government vehicles and their servicing. Over the past four years because of Government's limited financial resources the replacement element was not claimed by the Scheme, Government continued to take this responsibility. However, in 1981 charges will include replacement costs so that in a few years time the scheme will become fully self-sufficient.

Public Works

In 1980 Public Works Department undertook a fairly big capital expenditure programme spending nearly all their allocation of over 70 per cent of the total capital budget of nearly $7 million. The programme experienced two slight set-backs, (i) Hurricane Allen which affected projects in Cayman Brac like the Administration Building and the Airport Development, and (ii) a change in the structural design of the Prison causing delay in completion. The year's achievements deserve credit.

The 1981 capital budget is $12.4 million and the Department is again presented with the task of implementing all the projects in one year. It is quite certain from the outset that this task will be difficult. Most of the accomplishments for 1980, and proposals for 1981 have already been outlined in the programmes of the various departments reported in both the Throne Speech and this Statement.

The New Financial Year 1981

It is not likely that revenue growth in this next year will be as exceptional as in 1980. However, the services of the

HON. V.G. JOHNSON (CONTINUING): bigger revenue earning departments such as Customs, Lands and Survey, Post Office, Companies Registration and the Treasury could be expanded beyond the 1980 level of demand warrants.

Ordinary recurrent revenue is estimated at $30 million and revenue from loan funds for capital projects $1.00 million, a total of $37.01 million. Ordinary revenue is 29 per cent over the estimates for 1980 and 10 per cent above the revised figures.

Expenditure is estimated at $40.67 million or 22.8 per cent above the revised figures for 1980, 32.49 per cent over the estimated commitments for 1980 and 108 per cent more than the actual for 1979. The $40.67 million expenditure comprises recurrent $28.478 million, New Services $1.057 million, and Capital $11.14 million. The capital portion of expenditure is financed by $8.54 million from ordinary revenue, $3.04 million from the 1980 surplus and $1.6m million from proposed loans.

Recurrent expenditure of $28.478 million is 44.4 per cent over the approved estimates for 1980 and 27.8 per cent above the actual for 1979. The increase in 1981 is distributed to all departments but greatest in those requesting a substantial number of additional staff.

The New Services estimates of $1,057,000 cover additional staff largely in the departments of Police, Health Services and Education. While there is genuine need to increase and improve staff from time to time because of the growing economy, it seems that many departments have adopted the philosophy that as the work load increases so much staff, an approval to first examining the organization with a view to improving the methods and systems employed and thereby limiting, if this is possible, any rapid growth of staff. The size of any operation or department and the amount of money it spends should never be used as the sole criteria to justify its existence. It should be stated again that the rapid growth of the Civil Service is not healthy because it also moves forward the base of Government's recurrent expenditure or inescapables. Increase in staff should be considered only when all possible efforts have been exhausted to find an alternative or to minimize the request.

The Capital expenditure for 1981 in the sum of $11.14 million is a record annual provision and covers a number of important projects such as continuing development of the Owen Roberts Airport to introduce a jet service, a Pier in Cayman Brac, part of the local contribution towards a new Airport Terminal Building for Grand Cayman, Phase III of the Middle School, Phase II of the Prison, a Roads Programme for Grand Cayman and Cayman Brac and many other smaller items. There is doubt, however, about Government's ability to construct that volume in one year.

Taxation

As I mentioned at the opening of this address, Government is proposing to grant import duty relief on a few items of food. Duty will be removed from condensed milk and powered milk, the 15 per cent duty on refined sugar will be reduced by 7½ per cent and the 10 per cent on coffee will be reduced to 5 per cent. This action is prompted by the desire to assist consumers especially the very low income people who are experiencing the burden of rising living cost as inflation becomes rampant again. It is hoped that this dispensation will be passed on by the merchants to the consumer. Government makes the reassuring statement to all concerned that direct taxation such as income tax is not acceptable in the Cayman Islands.

The Path Ahead

We are now facing a very important period in the country's history when we run all the local services in Government and the private sector under a heavy stress caused by rapid economic development. If we examine the situation closely we will see a number of destructive restraints being put on social development.

I will comment briefly on one of the areas of constraints which is very relevant. It relates to the size of the local population. According to the 1979 Population Census, our 16,000 people, excluding visitors, are made up of a dependent age group under 15 and over 64 years representing 37 per cent of the total population: the balance of 73 per cent

HON. V.G. JOHNSON (CONTINUING): to what is known as the economic production age group. Over the period 1960 - 1970 the ratio was 55 per cent productive but during the last decade it grew to 78 per cent which represents nearly 77,000 people who are considered fully employed. It could therefore be said that the population of this country is too small for current labour demands and the question is how do we treat the problem. It seems that an urgent examination of this situation is required to measure in some reliable manner the actual economic circumstances for the purpose of determining development priorities. The very high per capita GDP income of the Cayman Islands may be disguising actual level of real development and also future development prospects. The present study being conducted by the American Firm of Leonhart and Bosworth for the Department of Tourism could provide useful material for such an evaluation.

Conclusion

Mr. President, may I take this opportunity to congratulate the Honourable Members of this Legislative Assembly on their election last November to serve this country for the next four years. I would like to request, especially from those who are new to this Chamber, their untiring efforts to deal with matters presented here affecting the financial and economic well-being of Government and the country; efforts that will result in the smooth functioning of Government that will assist to preserve the stability upon which this country's economy is built. The ever growing confidence in the future of this country is specifically demonstrated by the growth of the economy evidenced throughout the Islands.

Mr. President, the financial future of the Cayman Islands must be of vital importance to all of us. We must go forward in this year with serious thought and with optimism in the things we do that will prove beneficial to the Islands and its people. We must go forward with dedication and responsibility to promote and build in the right direction. Let us not hinder or destroy. In this booming economy, we must concentrate on the need to strengthen management in all areas of business activities throughout the country so we do not suffer the rigors of recession when it strikes, as was the sad experience for many a few years ago.

Mr. President, I recommend the Appropriation Bill, 1981 providing recurrent and capital expenditures in the sum of $80,305,795. This sum does not include statutory provisions for such commitments as pensions and loans repayments amounting to $1,356,082 which brings total expenditure for 1981 to $81,672,077.

MR. PRESIDENT: The question is that a Bill entitled "The Appropriation Law, 1981" be read the second time. The debate on the second reading will be taken at a later occasion.

QUESTIONS

MISS AMNIE H. BODDEN, OBE., OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

No. 6 Will the Member make a statement concerning the number of patients sent overseas for the last eighteen months and the nature of illness in each case?

ANSWER:

During the last eighteen months (1st July, 1979 - 31st December, 1980) sixty-four (64) patients were sent overseas for medical treatment. The illness in each case was of a serious nature.

SUPPLEMENTARY:

MR. BENSON O. EBANKS: Mr. President, I would like to ask a supplementary question. Could the Member state whether the number of cases sent overseas has increased or decreased, and if so, by how many as compared to the preceding eighteen months?

HON. TRUMAN M. BODDEN: Mr. President, I cannot answer that question, and further, Sir, it does not have any direct relevancy as it is dealing with a period beyond this, and I am not prepared to answer it at this time.

MR. PRESIDENT: I think it is a proper question.

HON. TRUMAN M. BODDEN: I still cannot answer it, Sir.

MR. PRESIDENT: If there are no further supplementaries we will move on to the next question.

MISS AMNIE H. BODDEN, OBE., OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

No. 7 Numerous complaints have been made to legislators concerning present day conditions at the Government Hospital regarding food, inadequate supplies of linens, cutlery, crockery, etc. Will the Member state whether he has caused an investigation to be made, if so, what has this revealed?

ANSWER:

During 1980 more than $80000.00 worth of linen was purchased. This was sufficient to keep the hospital adequately supplied.

Linen requirements for 1981 are under present review. The objective is to purchase hospital grade linen at a competitive price in sufficient quantity to take into consideration full hospital occupancy and the new surgical unit.

A new Purchase Order System has been put into effect since January 1, 1981, that will improve the processing of overseas orders in all sections.

Cutlery and crockery are in sufficient supply and replacement sets are ordered as needed.

A Dietary storeroom including a walk-in refrigerator and freezer is near completion which will allow several months of food to be purchased by the hospital at the most economical price.

A recent evaluation of the Dietary services at the hospital including food preparation, selection, serving and staffing was conducted by an independent nutritionist from the Pan American Health Organization. (Caribbean Food and Nutrition Institute.) Her report to the Administration praised the service as one of the best in the Caribbean region.

ANSWER TO
QUESTION NO.7 CONTINUED

Plans are underway to ensure that adequate supplies with planned reserves are established in all sections of the health services. Optimal levels are being identified and a phased procurement of the goods is outlined. Future orders will be tendered to obtain the most favourable price.

SUPPLEMENTARIES:

MISS ANNIE U. BODDEN: Mr. President, a supplementary question, Sir. I would like to ask the same Member if it would surprise him to know that at very many clinic patients complain that they cannot find a manual sheet on their beds.

HON. TRUMAN M. BODDEN: Mr. President, I do not know whether I am supposed to answer that as to whether I am surprised or not surprised.. The Lady Member has made a statement, presumably she has checked the accuracy of it, and if it is a fact then she has made a statement of fact. I going to neither show surprise or non-surprise at that question, Sir.

MISS ANNIE U. BODDEN: Mr. President, I do not go to the Hospital, consequently I do not know, but complaints have been made to me, and I was just trying to see if it could be checked to find out if there could be such a thing as a remedy provided?

HON. TRUMAN M. BODDEN: Mr. President, the answer to that is the remedy is that these people must make a complaint to the complaints committee which is a body that has been set up under policies which this House has approved, and the complaint will be dealt with. And I assure the Lady Member that.

MR. CHARLTON ROBERTS: Mr. President, if I may ask a supplementary. Then to the Member, none of these as has been pointed out, grievances have been brought to your attention?

HON. TRUMAN M. BODDEN: There has been no complaints made to the complaints committee relating to a lack of linens there. And if it had been brought to my attention, Sir, I have the custom to refer the matter, if made orally to me, through a memorandum into the complaints committee, Sir.

MR. PRESIDENT: If there are no further supplementaries, we can take the Lady Member's third question.

MISS ANNIE R. BODDEN, OBE, TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

No.3. Will the Member indicate the number of nurses at the Government Hospital whose services have been dispensed with or who have resigned within the last two years?

ANSWER:

During 1989, five (5) nurses left the service, one (1) of which was terminated. During 1990, nine (9) nurses left the service, three (3) at the hospital's request. The average rate of turnover for nurses over the past two years was 10.3%. For all U.K. Hospitals, according to the U.S. National Association of Nurse Recruiters is 35%. Therefore, the Cayman Islands rate of turnover is less than half of the U.S. average.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: A supplementary, Mr. President. Of the nine (9) nurses leaving the service in 1990, could the Member state how many of these were locally recruited nurses?

HON. TRUMAN M. BODDEN: Two (2), Mr. President.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. Could the Member state whether these two (2) nurses are in the health field locally or have they left the Island?

HON. TRUMAN M. BODDEN: Mr. President, I cannot really I should not answer that, because once they leave the service I do not think the Government will be keeping, so to speak, a watch on them, Sir. I do not really know.

MR. BENSON O. EBANKS: Well, could the Member state whether one (1) of the nurses leaving, left because she was unable to get study leave?

HON. TRUMAN M. BODDEN: I understand that that may have been a cause.

MR. SPEAKER: If there are no further supplementaries, we can take the Lady Member's questions as disposed of.

The Honourable Member from Cayman Brac is not here to ask the fourth question on the Order sheet .....

HON. G. HAIG BODDEN: Mr. President, with your permission, he was here at the start of question time, and I think he is in the Building. And as this answer has been .....

MR. SPEAKER: I have already arranged with the Clerk that this will be put down for a further occasion. The honourable has been called away to discuss official business.

That disposes of question time for today.

## THE PRINTING OF PAPERS LAW, 1991 - CONTINUATION OF SECOND READING DEBATE

MR. CRAIGTON FRANKS: Mr. President, apparently I have not had a copy of that, they are just trying to find a copy of it for me.

Mr. President, even after I get it now, I would not have time to read it all the way, but I do support this Bill. I will just make a few brief remarks in connection with it. It was a pity that we did not have that Bill or a Law before now, because if we had, undoubtedly the Island would not have undergone such mass criminalism that in my opinion did cause some destruction and set back to this country.

As far as I am concerned, with making reference to a paper that was floating about the streets here during 1989, I took enough time to read about two of them, and that was enough for me. I felt then that the people that was dabbling and dealing with putting forth such as that to the public, and many of them going overseas, if they had been as little in stature as they were in principles then it would be pretty hard to find them. The proposed fine and penalty, that is not even the one third of what I feel that such people found guilty of such behaviour should be levied on them.

So, Mr. President, I give my support to this, and when we get into committee stage then I will be able to follow it and ask some further questions.

MR. NORMAN B. BODDEN: Mr. President, the Bill for the printing of Papers Law has my support, because I believe that papers that are printed and distributed in our community should be properly identified. However, one would also expect that freedom and fairness is upheld in our community so that no paper or power will have to resort to any underground activities.

MR. KENNETH J. SMITH: Mr. President, I rise to give this Bill my full support. This Bill that is deemed to suit many citizens of these Islands, not like the leader of the opposition stated here yesterday, that

MR. CARLTON J. SMITH (CONTINUING): it was made for one or two people. I feel, Sir, that this Bill is long over-due.

As the Member from North Side rightly stated, we had a paper circulating in our community for almost a year, or little over a year that has been very instructive. This paper, Mr. President, has stated untruths not only on the part politicians, but it has stated a lot of untruths on you as Governor of these Islands, Civil Servants and all the way down the line.

I think the time is right, Sir, that we have such a Bill, and although there are a few amendments I will propose in the committee stage, I want to support this Bill wholeheartedly. Thank you, Sir.

MR. DALLAS D. KRAINE: Mr. President, I rise to support this Bill also, because the manner for this Bill is very much needed according to the papers that has been circulating around in the past year or so. That paper, Sir, could have meant destruction to our islands and our economy. If the investors were people like those that were printing that paper, they would never be over here and invested their money, Sir.

Regardless of what the opposition felt about it, I do not know, I was not here yesterday, but anybody that supports it, I say without fear, that they do not mean these Islands any good. Thank you.

CAPT. HARRY D. KIRKCONNELL: Mr. President, I rise to support this Bill. I feel as legislators it is our responsibility to correct anything that we see is not normal, and I feel that this will help them in identifying themselves, and I am all for freedom of the Press.

HON. TRUMAN M. BODDEN: Mr. President, I naturally support this Bill. As the Member mentioned earlier - the introduced this, the Law follows the Bermuda Law and it also follows the English Statute. The Bermuda Statute has been in place for nearly a century and it is well proven. I have always believed, Mr. President, that if something is important enough to be published, then a person should be honest enough to put their name to it and to admit to the publication of it.

Any type of suppression of the right to sue for defamation is in my opinion an abuse of the freedom of speech itself. And what this Law seeks to do, is to ensure that anonymity in relation to statements which could either be used or sued upon for defamation or even more important still, many times it is good to see who has made a statement because many times the statement is really not made by that person de facto. This aspect is, I believe, a way of suppressing what I have many times in this Chamber referred to as one of the biggest problems within the social structure of these Islands, and that is, the pervasiveness of people in gossip. I use that in the sense, Mr. President, of instances where statements which are either not true or are malicious or libellous are made and the people who make them do not admit, and in fact, cannot admit, and in fact would surprise the society if they did admit that those statements originated from them.

I believe that these statements made without the name of the publisher has perhaps caused more harm in this country, either through the untruth or the malicious way in which they were published. In that sense, I mean, passed on, whether they be by phone or orally in some other manner or through the written media. Byron Edwards once said, "that to murder character is as truly a crime as to murder the body. The tongue of the slanderer is brother to the dagger of the assassin". That, Mr. President, sums up I think the evil that this Law among other evils can endeavour to rectify. Anyone who endeavours to state that this Law is a curtailment of the freedom of expression should have a look at the European Convention [illegible] which makes it very clear that the freedom of speech or the freedom of expression does not go to a point where you can actually move into the stage of being a murderer of one's character. In fact, that statement which is adopted by the United Kingdom is, I believe the statement that this country should follow. And it does not put too many

HON. TRUMAN M. HODGE (CONTINUING): clearly certain misconceptions on just standing and saying anything you wish, and one of them that there is a Law of Defamation, if you say something and it is not true or if it is done maliciously in certain instances, then Mr. President, the Law says that you must pay the price that necessarily ensues from it.

Mr. Alfred Stephenson once said, "that every man has a right to be heard, but no man has the right to strangle democracy with a single set of vocal cords". That I think is very important, because we have seen over the past few years the rising of a very disturbing series of articles that come out anonymously, unidentified, and by the way, the Law relating to defamation, as I am sure, Mr. President, this House is well aware, covers every person who publishes by handing out the publication or selling it, or in any other way distributing it, in an utility of the civil remedy as is the person who originates the article.

I think this the Law is good. I think it is important, and more than anything else, Mr. President, I believe it is going to make a few honest people and show where certain people stand or have stood in relation to the publication of matters which are defamatory without the name of either the editor or the publisher on it. I support it, and I would ask that Members here do the same.

MR. BENSON O. LEWIS: Mr. President, I support this Bill in principle. I support the Memorandum and Objection circled one hundred-and-seven; and if that is the simple interpretation or the whole interpretation that is intended to be applied to the Bill as quoted by the Member piloting the Bill yesterday, I would have no problem with this Bill. I believe that one should be able to stand on anything that he says, to be identified with it and to always speak his convictions.

However, I think that the definition of 'paper' in this Law is a bit broad, and will be the subject of a further debate when we get into committee. I think that it could infringe the right or custom that has existed in this place, for example, of organizations like churches, making hand bills on simple paper without going to printers of renown. And I am sure that what I have heard from other speakers, the intention of the Bill really is to deal with matters of public interest and comment thereon.

A lot of inferences have been cast in the course of the debate on this Bill. My comment is, Mr. President, that very often when publications which are maligned reaches the street it is a sign of malady in the community in which we exist, and I would hope that the introduction of this Bill into Law would not diminish in any way the right of free expression. One Member in his contribution mentioned the denial of the right to sue for defamation, it is also true that to many responsible people use the right to sue for defamation as a convenient and expedient device to stifle criticisms, and suits are often of a trivial nature and for the time being stifles comments and debates. And for any society to prosper there must be the right to freedom of expression, even though that expression might not always coincide with the official view. That of course, must be done within proper bounds and with a proper standard of decorum and decency. I subscribe one hundred percent to that.

The Lady Member yesterday, for example, mentioned a publication that came out just before the 1980 election, it concerned myself as well as the Lady Member, and I am glad to know that when this Bill has become law people will not be able to resort to such underhanded methods of character assassination without identifying themselves. I do not think I need to elaborate on that leaflet, it was unsigned and in fact, a lot of people were wondering who it had emanated from, and it caused a lot of concern, and I am sure my particularly to the two candidates from George Town resulted in a loss of a lot of confidence and votes to them, but that is not the only instance in which unidentified publications have been used.

There was specific reference by the Lady Member yesterday, and in the inference to her speech today it was obvious that the publication that was known as the Voice last year was coming under

HON. SENIOR O. FRANKS (CONTINUED): other criticisms. I do not think that is the first time that such a publication has existed in these Islands. I am not defending it, mind you, I confirm what I said in the beginning that I believe that if someone is going to make an expression or give an opinion they should be man enough or woman enough to identify themselves and stand by it. And this Hall was plagued for many years by publications coming from an organization which was not registered nor the membership known in that organization. And I refer to the organization normally known at that time as SHELP, so that the Voice was not alone in its publication or an unidentified paper.

As I said, Mr. President, I have no problems in supporting this Bill, except that I would hope that we could find a more appropriate definition for "Paper" to take into account publications which are not within the scope of the Memorandum of Objects and Reasons for the Bill. I thank you.

HON. JAMES M. MORGAN: Mr. President, I will assure you I will not be like the last speaker. I know what I am supporting and I support it in its entirety.

The first criticism and the main criticism to this Bill was entered yesterday by the Lady opposition leader... (Miss Annie H. Baddin - I know you are not talking to me.) - and it looks like it is gradually bringing some support. I do not know what the Member meant in some of the broad statements that he made a few minutes ago about some of these additional publications. I think that there is no doubt there was a publication that went around this Island a short time ago which must have had considerable support from some areas of the financial sector in order for it to continue. And it is no secret to anyone the defamatory statements that were made in that paper, without any evidence and without any semblance at all to it. It is regrettable that this publication received such wide support from people, particularly in the Civil Service who carried it around town and distributed it. I am glad that my colleague touched on that subtle ... ago and emphasized the point that the person who did that was as guilty as the person who printed it.

This Law one has made or will not be made to touch upon the human rights of anyone, it is not designed nor neither was the Mental Health Law designed for any particular person, but it is designed to shield the useless people in the community will not be able to drag down this country and the people into the dumps.

There was a reference made by the last speaker concerning an organization which was called "SELF". I do not remember seeing that organization published anything that would let it look like what the Voice published. In fact if I recall, there was only probably one page of articles written and put out for consumption to the public, and it did not deal with those problems in the way that this other publication has dealt with them. If SELF was a bad organization, then it is a wonder that during its existence that it did so much good in this community and that it also had as some of its members some of the most prominent people in this country. I think too much has been said about that in the past on trying to drag people down to make something out of it, that it was a subversive organization. Believe me, the Voice did a lot of damage to this country, and any one that supported it I put in the same class of the people in my opinion who published it.

MR. PRESIDENT: Are there any other speakers? Does the honourable mover wish to exercise his right of reply?

HON. D.F. GASTON: Mr. President, first I would like to thank Members for the support that they have given to the Bill, and when we come to committee stage if there are any adjustments to be done we will discuss them there and then.

I would like just to repeat again: that the Bill was not intended for any particular class of persons as such. We have

HON. T.E. FOSTER (CONTINUING): heard about various publications in the past, now that will bring all of that to an end, at least whatever is published from now on will have the author of it, his name and address on it. I think it is a good Bill, Sir, and I thank Members for their support.

MR. PRESIDENT: The question is that a Bill entitled "The Printing of Papers Law, 1981" be read a second time.

AGREED. BILL WAS GIVEN A SECOND READING.

MR. PRESIDENT: I shall suspend proceedings .....

HON. G. HAIG BODDEN: Under Standing Order 21, Mr. President, on a matter of personal explanation, I would just like the House to know that when I attempted to answer the question which was on the paper this morning, I wanted to do so because the copies had been circulated. I have asked that they be returned to me, and I only find thirty-four (34) copies here and as many out thirty-six (36), I would like the other two (2) copies to be returned at once if that is possible.

MR. PRESIDENT: I think we can leave the Clerk to try and muster the final two copies before we resume this afternoon. If anybody has a copy of the answer to the question on Parts, if they would pass it to the Clerk before half past two. I may have one copy up here. (MEMBERS' laughter.) I will suspend proceedings until two thirty this afternoon.

HOUSE SUSPENDED AT 12:45 P.M.

HOUSE RESUMED AT 2:30 P.M.

## THE PUBLIC HEALTH LAW, 1981

### FIRST READING

CLERK: The Public Health Law, 1981.

MR. PRESIDENT: A Bill entitled "The Public Health Law, 1981" has appeared to have been read the first time and is set down for a second reading.

### SECOND READING

CLERK: The Public Health Law, 1981.

HON. TRUMAN M. BODDEN: Mr. President, I beg to move the second reading of a Bill entitled "The Public Health Law, 1981".

Mr. President, this law seeks to deal comprehensively with public health within the Cayman Islands. I shall not attempt to refer to specific sections or parts of this as it is comprehensive and it is very clearly set out. The history of this is that last year in 1980 a committee was which comprised the Chief Medical Officer, the Senior Public Health Officer, two Medical Officers, one Government and one private, two representatives from the Cayman Islands Hotel Association, one representative from the Public Works Department, one builder and member of the General Planning Authority and three persons from my Portfolio, including myself and the Principal Secretary and the Assistant Principal Secretary.

After going through the drafts which were prepared by Doctor Don sometime previously, the law now then presented to this Honourable House in a draft form and was laid on the Table here in the sitting of June, 1980. Thereafter, Mr. President, it was made public through the press mainly, and also the portfolio stated that copies could be received from the portfolio itself. We also sent copies of this out to the

HON. THURAN M. BOLDEN (CONTINUING): Hotel Association, the Chamber of Commerce and the usual bodies that the law and the policies that I bring in from time to time are referred to. I invited comments and I also went into some of the Districts and dealt with any comments and suggestions that people in those districts had. At the end of that Mr. President, I went through the recommendations and the suggestions and altered it up to accordance with what I regard as the wishes of a majority of the people.

The comments came from all aspects of the society and it also included a personal representation from one of the newspapers which I happily was able to comply with. So what is now coming to this House, Mr. President, has followed through what I regard as probably the most democratic procedure that can be followed. A committee drafts a law with members of the community that are involved, it then is laid on the Table of this Honourable House and made public. I invite criticisms and suggestions. I take that into consideration and the result, Mr. President, is a law which is in accordance with the wishes of a majority of the people of these Islands.

I do not propose to go any further on the introduction. It endeavours as far as possible to get away from the less substantial law that existed from 1974 under which I believe only the garbage collection regulation, and more recently a set of regulations for dumping which follows the international convention on the international rules was brought into force and this seeks to preserve the older regulations made under the 1974 law. I would ask Members to look at it in the light of its background, and also to accept that at this period in the history of these Islands it is necessary for comprehensive public health legislation to be introduced, and that it be brought in and passed at this session. So I would ask Members for please support it. Thank you.

MR. SPEAKER: The question is that a Bill intituled "The Public Health Law, 1981" be read the second time. The motion is open for debate. Does any Honourable Member wish to speak to the motion?

MR. BENSON O. EVANS: Mr. President, in spite of the obvious publicity and the extent to which this law was scrutinised in its publication I find myself at a disadvantage only having received the Bill on Friday again, and it is a long and comprehensive Bill. I would hope that in future Members get the Bills within the prescribed time.

One general comment I have is that Section 5 to me seems to be a very cumbersome way of having to deal with what could be a very urgent matter. And that is if the Chief Medical Officer is of the opinion that any source or supply of water to be used for domestic purposes or the preparation of food is in a state likely to cause injury or be prejudicial to health that he has to seek a summons through a Summary Court in order to effect a remedy. I would have thought that in such a situation the law should give the Chief Medical Officer to take immediate remedial action and possibly then allow the person who might be affected if he is aggrieved by the action to seek redress through the court.

There is in this law somewhere, and I was looking for that section, I am sorry I did not make a note of it when I read it first, a similar provision in respect of another section where the person who is aggrieved goes to the Court. And I would have thought that certainly dealing with water which as we know is the cause of many fatal and dangerous diseases that the Chief Medical Officer should have power to deal very quickly with such a remedy and not have to seek, what I would term, a court order to do so, if my interpretation of that section is correct. In other words the court makes the order that the supply be permanently or temporarily closed or cut off, I would have thought that the Chief Medical Officer should have that authority. And I would ask the

HON. LESLIE O. EBANKS (CONTINUING): Member to reply to that point in his summing up, and I do not know, may be there is reason why this was not thought of, but I think it is important that there is some which to deal with something as important as a water supply and not have to worry about going through court procedure to do it.

Otherwise, what I have been able to see of the Bill, except I am not happy with section 30. In sub-section (2) where "publish" is defined, that is sub-section 2(b) it would appear that if in some instances a supermarket or a drug store was exhibiting a product for sale, and I have one specifically in mind, that they would be guilty of an offence, and I believe that we should look very carefully at that. I thank you, Sir.

MR. ROBERT W. RIGBY: Mr. President, I have an observation that I would like clarification on when the Honourable Member is summing up as well, and that relates to Part VIII - Swimming Pools, Section 46. I would require some clarification on that because if my interpretation is correct, it would seem that if there was an outbreak of any infectious disease in one part of the Island that the Senior Medical Officer of Health using his discretion could order a swimming pool closed in another part of the Island. May be this is a mistake on my part, but I would like clarification on this as well. Thank you.

MISS ANNIE E. BORDEN: Mr. President, if I may be permitted to speak without too much interruption and slurs etc., I would like to say, Sir, that as far as I am concerned health is the most important thing in this world besides your soul salvation, and I feel, Sir, that such a comprehensive Bill and with such an important subject that we are dealing with that it would not be amiss if a committee from the whole House was selected to go into this thing in detail, make corrections if necessary and add anything that should be added.

Now Mr. President, I was quite alarmed the other day to read in one these infamous papers about the condition of the health situation in the Island. It was listed the most prominent one, at this particular time: it was the flu, how many cases of the flu. It went on to say, the next thing was this outrageous social disease. I think Mr. President, if that was even the case that we should not publicise, that could be very damaging to our Island, and I feel, Mr. President, that when things occur that they should be kept sort of under cover, and treated, not publicised and put in the world's health magazine or whenever they were putting it. I feel, Sir, that we should be a little more discreet, most of our trouble is Sir, that we talk too much, we brag too much, we make the world believe that we have everything under our feet, we and the rulers, we can do anything. I do not agree with this, Sir, I feel that we need a lot of stuff to be taught into our brain, we need a lot of careful consideration before we do things that we will regret after.

The hospital I am very sure, Sir is doing the best, but bear in mind Sir, there are a lot of complaints about that hospital. Now I am not saying this personally, because I do not go to the hospital, I might go there in a year or I might be poisoned or something that I have to be rushed there to get it pumped off of my stomach, but ordinarily I will not go to the hospital. It is not anything against any of the doctors or nurses, except one doctor who told a lie on me and it cost me $1500.00, and I still hold that in my breast. I do not hate him, and I have forgiven him, but I still remember it, and I feel Mr. President, that we are supposed to be sensible people, although malice be eating our very soul cases out one against the other, that when it comes on the question of the health of 16,000 people that we should study very careful this law. We should not rush through it, and we should add or take away anything that would not make it what it should be. And I feel that that is the sensible manner to it, I have nothing against the powers that be. I have been termed, much to my surprise the leader of the opposition, well, if I am

MISS ANNIE K. HODDER (CONTINUING): that I consider that when I can lead, one weak woman who was not smart enough to hook a man for herself that I can lead a crowd of clever that I must be a wonderful woman. Thank you, Sir.

MR. PRESIDENT: Are there any other Members who wish to speak? If not, I will ask the Mover if he wishes to exercise his right of reply.

HON. THOMAS M. BOODEN: Yes, Mr. President, I will endeavour to deal with what has arisen.

The Honourable Member for West Bay referred to section 5, and I take his point in relation to that. However, it appears that section 5 is the right to deal with the closing of premises and the restrictions on the use such in taking and padlocking a source of supply or closing down a restaurant. If the Member would have a look at Section 7 sub-section (2) paragraph (i), there it says, and I will just read from this, and this is a right for the Chief Environmental Health Officer to abate the nuisance, and "abate" under 7 (1) includes to take all reasonably practical measures to prevent recurrence, as well and to find if any well or cistern or other source or means of storing water, whether public or private, the water from which is used or likely to be used ... by human beings for drinking or domestic purposes, or in connection with any diary or place where food intended for human consumption is made or prepared, which is in a condition liable to render such water prejudicial to health or a nuisance ; and under (h) "Any street or part thereof, any stream, water-course, ditch, gutter, drain, seaway, pit, well, pool, cistern, water-tank, sink, waste-pipe, slop-tank, dust-bin, etc." So I believe that the subtle difference which I will admit is somewhat difficult to see at the beginning; one is the right to close down completely a place, the other one is a right to abate a nuisance. Now however, the Chief Environmental Health Officer may be able to go in and pump a cistern out or put chlorine in it, whereas if he wanted to completely close down that supply, I believe he would probably have to go to the Court.

Under Section 32 which the Third Elected Member referred to, this section has been looked at by the press in particular and it does basically relate to a publication, but if he looks in the Sub-section (3), "If the publication is by Government or a public hospital or other public body in discharge of its lawful functions or any society or person acting with the authority of the Governor obtained, or to any books, documents or papers published in good faith for the advancement of medical science". So if this did catch anybody up here that perhaps it could be a hardship on, then it seems that the Governor would, acting in your other capacity give authority for that to happen. And this was raised by the press and far as I can remember this was basically the manner that also satisfied them, but I believe it does temper the defintion in Sub-section (1) considerably by this sub-section (3).

The first Elected Member for George Town referred to Section 40, and here there is power that the Senior Medical Officer of Health - (Quite visible, Mr. President, are somewhat tongue twisting, I will have to admit that) - he has power if there is an outbreak of infectious disease that he may close it down. But if the Member looks at Section 41. "Where an order has been made under section 40, the Senior Medical Officer of Health may in like manner rescind that order if satisfied that the reason for making it no longer exists". So there is an imputation there that he would only make it if there is a reason for making it, but from what I understand that water, and especially stagnant or still water does have a way of breeding as well as harbouring infectious diseases; and especially this I think would relate more to public pools, any at hotels, however I think there are very few private pools - (may be the Honourable Member has one, I am not certain) - but I do not think it would be applied too much towards private pools, I think it do really meant more to public pools.

The Lady Member who referred to herself, the lady leader of the opposition, did refer to the hospital, and all I would like to comment on in relation to that is that I will ensure the

HON. TRUMAN M. BODDEN (CONTINUING): Lady Member that the machinery will be in place at the hospital to see that the full provisions of this Law are carried out, and that I will endeavour to ensure that the necessary laboratory facilities and personnel that affect this will be put in place so that it can be brought into force effectively. Thank you, Sir.

MR. PRESIDENT: The question is that a Bill intituled "The Public Health Law, 1981" be now read the second time.

QUESTION PUT: AGREED. BILL WAS GIVEN A SECOND READING.

MR. PRESIDENT: The Assembly will now resolve into committee.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in committee, we will deal first with a Bill entitled "The Grand Court (Amendment) Law, 1981".

THE GRAND COURT (AMENDMENT) LAW, 1981

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF LAW 8 OF 1975.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE GRAND COURT LAW.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes examination of a Bill entitled "The Grand Court (Amendment) Law, 1981." We will turn next to a Bill intituled "The Juveniles (Amendment) Law, 1981".

THE JUVENILES (AMENDMENT) LAW, 1981

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 32 OF LAW 16 OF 1975.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE JUVENILES LAW, 1975.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes examination of a Bill entitled "The Juveniles (Amendment) Law, 1981". The next is a Bill intituled "The Summary Jurisdiction (Amendment) Law, 1981".

THE SUMMARY JURISDICTION (AMENDMENT) LAW, 1981

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 7 OF LAW 10 OF 1975.

QUESTION PROPOSED.

HON. DAVID K. KARWICK: I notice, Sir, that there is a spelling mistake in the third line of the proposed new clause (2), it is a matter Sir, which in my view could be properly corrected at the Clerk's Table and need not be made the subject of a particular motion. The word "naming" has two "m's" in it.

MR. CHAIRMAN: It is only the spelling of the word "naming", which is spelt with two "m's" on the green paper, that will be corrected at the Table. If there is no further debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE SUMMARY JURISDICTION LAW.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes examination of a Bill intituled "The Summary Jurisdiction (Amendment) Law, 1981". We must turn to a Bill intituled "The Traffic (Amendment) Law, 1981".

THE TRAFFIC (AMENDMENT) LAW, 1981

COMMITTEE THEREOF

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 84 OF THE TRAFFIC LAW.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 86 OF THE PRINCIPAL LAW.

QUESTION PROPOSED. DEBATE ENSUED.

MR. CHAIRMAN KEARNEY: Mr. Chairman, to be honest Sir, I felt that when there was a proposed amendment to the Traffic Law it would have been to a further extent than this, and I feel that there are areas that need to be considered. We have areas that I think need desperate consideration, such as the careless and reckless driving on the road.

I am not attempting to say that we can stop motorist from speeding, I feel the time has come when such motorists brought into court should be dealt with to the extent that it will leave an example for others who are practising this same type of behaviour. You see numerous cars on the road roll over and over that are proven only carelessness in speed, and I feel when it can be proven to that extent, then they should be dealt with that will leave an example for others to be more cautious within themselves. The minimum fines, penalties and imprisonment that presently exist is not worth a pack of peanuts, and until something is made more drastic that the Judge can have something to work from, then this carelessness will just continue to grow, as it is growing.

I am not attempting to say anything, Sir, as to the speed limits, because I do not intend to interfere with them as to reducing them anymore because such hyper motorists that I am referring to will have no regard for speed regardless what the speed limit might be set to. So I definitely feel Sir, that I cannot go along with the proposed amendment here, to me there are many, there are other points that should be

MR. CRADDOCK BOXER (CONTINUING): embodied in this to try to bring some safety on our roads. There are people who are entitled, or every boy, girl, man and woman is entitled to walk our roads, and they are treated with disrespect, disregard by a certain type of motorists. A few weeks ago there were five cars rolled over in one area at Spotts after just a matter of days between, it was lucky enough that they did not catch a morning of these cars coming from the movies, that these cars could have wiped out a dozen lives all simply because of high speed, nothing else caused it Sir. And I think that can be easily proven by the Traffic Department if they have enough common understanding to know what speeding means and what it can do, and I feel, Sir, that as far as I am concerned, will not giving any support to any part of this bill such measures as these are brought in to improve Law.

There is no use of fining some of these $50.00 or $150.00 or $200.00 because you are up into the court, they get a third, fourth and fifth offence, some for the same thing. So unless it is made to hurt, then the Legislature are wasting time, Government is wasting money, it is wasting paper, it is wasting the Policeman's time, it is wasting the Traffic Department's time and everybody else's time. Once are being turned out one every night on sunny afternoon night and two every night on the road, they lie on the road for months and months and nobody can make them move them, I feel this is a reproach on the Traffic Department and the Court they must be able to find some way to deal with the offender. Because if I park my car in the middle of the road and leave it there, they will see that I have to move it and they make me move it, yet John Brown can leave his out in the middle of the road and walk away and leave it and nobody can make him move it. These are the things, Sir, I felt that should have come - be brought into play for the amendment.

As regards to parking, it is impossible to find anymore place to park, because it is all yellow traffic lines, no signs no parking by yellow line. In the court compound, they say it is a private park for the court, yet it is tax-payers' money that built that, tax-payers' money is paying the court's staff, yet that is almost encircled inside with yellow lines indicating no parking. I mean, where is we go?

We have here the time for unloading, neither one of these three timings are worth the paper that it is put on, because you have trucks that take longer than twenty minutes to unload and reload. Which taxi fellow can unload his passengers in two minutes? You have elderly people who are travelling, it takes sometimes a minute, a minute and a half to get out, so how can this be done in less than two minutes or within two minutes for these people to get out, the taxi collect his fare and get out of the way? This just does not make sense to me, Mr. Chairman, it just simply does not. No truck is going to go in to an unloading zone and when it unloads stay there, neither the taxi fellow after he puts out his passengers, whether he takes three minutes or five minutes, he is not going to stay there. What is he going to stay there for? I mean, if we cannot give them enough discretion with common sense to know when they finish unload then you better start scrapping some things. Thank you, Mr. Chairman.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I find Sir .....

MR. CHAIRMAN: I think the Honourable Member is going to reply from the other side.

HON. O. HAIG ROGERS: Thanks for yielding the floor.

Mr. Chairman, I agree there is merit in the statements made by the Member from North Side, and I am quite willing to arrange at a later date for a meeting with the Member and other Members if they want to come, and perhaps the Legal Draftsman and somebody from the Traffic Department, and we take a look at the suggestions that the Member has and come up with ameliorative amendments which can be brought to the House

HON. G. HAIG BODDEN (CAYMAN BRAC): in June or September of this year.

He mentioned the matter of careless and reckless driving on the roads, and perhaps the time has come to increase the penalties which were put in the Law sometime ago or several years ago. But the matter of careless and reckless driving is already taken care in the present law, but if Members feel there should be a new look at the penalties, well, we can do so at that meeting.

He mentioned the burnt out and abandoned cars on the road side, and I must say in fairness to Mr. McCann, he brought this matter to my attention with a suggested amendment, I believe it was Friday or Saturday of last weekend I did not feel that we could get that through the Legal Department, through Council and to the Members for this sitting, so I told him that this would have to wait another sitting; and this matter can be dealt with in June.

As to the times for loading and unloading where yellow lines are involved, the amendment to the law eases the restrictions that previously existed. However, if Members have suggestions on that particular or the specific times that are mentioned in this Bill, I suppose those times could be changed in this sitting if Members want to propose special amendments. I know the first Member from George Town raised this matter in the debate yesterday, so I will give the Member the assurance that when this sitting is over, sometime probably in March, I can arrange a meeting for a discussion on the Traffic Law and we can take our time and prepare amendments for the June sitting.

MR. CHARLTON KRANKS: Mr. Chairman, this grievance or if you want to say, my grievance is not new. I have taken this to the Traffic Department a number of times over the last eighteen months and it is the same cry, there is nothing we can do about it. You are going to continue to take tax-payers money to pay people to do the job and they say they cannot do anything about it? When we go into finance committee, Sir, we are going to be in there a long time. It is nothing like correct, and something as frivolous as far as I am concerned Sir, and as well as I am hearing put on the road and the law - Government leaves it there, then there is something wrong, Sir. I do not see that the people of this country have any business to wait till June or September either, when this has been a grievance over the last eighteen months. Some of them burnt out cars have created other accidents, I mean, how can Legislators, how can any member of Government sit down and be happy and satisfied with all of these things facing the public. You are talking about keeping Cayman this and that so it can attract people, and every time you go out on the road it is a burnt out car. I cannot accept any excuse for this Sir.

HON. G. HAIG BODDEN: Mr. Chairman, I know the Member that has just spoken has had or has raised the grievances which he has mentioned several times before. However, while the grievances may not be new I am now dealing with the Traffic Law, having been the first time in my short life that I have had to deal with or to pilot a Bill dealing with Traffic.

The reason why I did not bring the matter on the burnt cars was because it came to me too late to even go through Executive Council, in fact, there was not even sufficient time to discuss it with the Attorney General. However, that matter has been around a long time and I have given the Hansard the assurance that I will make an attempt to have this amendment made in the June sitting. I think it would be unwise to try to push it through today, in fact, I know I would be criticised for pushing it through. There has been already in this sitting criticism by Members having received bills last week or not within the seven day period. So, Mr. Chairman, I can only say that if Members will attend the meeting sometime in March we can sit down, work out what Members want and the Legal Department will be happy to put it into legal form, and we can have the law amended in June. I would not undertake to make any comprehensive amendments at this stage of the sitting.

MR. CHARLTON KRANKS: Mr. Chairman, a few more minutes to pull on your patience, Sir, with respects. As I said a moment ago, if I parked my

MR. CRADDOCK SPAING (CONTINUING): ...car out there on the side of the road and left it, and then it becomes an obstacle, a nuisance to traffic, between the Police Force and the Commissioner would find me and have me to move it. Why should I accept the foolish excuses over the last eighteen months that nothing can be done with these broken down wrecked vehicles on the road? When you do not do anything the police are ready to chase you. Some months ago I parked my bus across out there in the taxi area, there were no taxis there, my bus is a taxi and yet the Police would come and drive me out from there, that is the only thing that they know to do.

MR. CHAIRMAN: The Honourable Member for Cayman Brac.

CAPT. C.L. KENNCONNELL: Mr. Chairman, yesterday I mentioned the time, the twenty minutes and the eight minutes period, and I feel that this will here, section 3 (1) (a) and (b) is creating congestion and not preventing it. And in the two areas which I mentioned, Compet and opposite Barkers and Geddes building, both areas are used from time to time to discharge trucks, if you permit a truck twenty minutes there you are going to have a congestion of no mans order. And I think that painting a yellow line, saying that the truck cannot park there, and then in the law saying that it can park there for twenty minutes, what would prevent that truck Sir, from staying there twenty minutes, driving off and coming back and parking for another twenty minutes? Especially in these areas that the road is very narrow and the parking of one car can block the traffic coming both ways.

HON. DAVID P. DARWICH: I have not got a copy of the Traffic Law before me, but I suggest to the First Elected Member for Cayman Brac that some of the confusion that he finds might arise from the fact that this section is parking times when there are yellow lines on the road, and I think the Commissioner of Police has got power on the other sections of the same law to prevent parking at all in some places if he wants to or on some pavements if he wants to. The yellow lines are not the only method of controlling the parking of a vehicle, but I will need to refresh my memory I am speaking quite extemporaneously on that, but it may provide the answer to the Member's query.

HON. G. HAIG BODDEN: Mr. Chairman, I believe I mentioned this yesterday in the debate, that if a truck has been causing obstruction to traffic or if any other vehicle was doing so the Police could ask the driver to move it. And of course, as the Attorney General has pointed out, despite this provision in the law the Police could come along and say, "well, because of extenuating circumstances prevailing today we will not allow you to park here during the rush hours", although this law may say that he could do so for twenty minutes. I believe a lot will depend on the vigilance of the Police in monitoring these areas which would be problem areas.

However, it seems to me that what we are doing here today is trying to improve on a system that cannot easily be improved upon, and perhaps it is only a stop-gap measure. I think that when the committee can sit down with the Legal Department and the Traffic Department and examine the whole matter of parking, we may be able to come up with a solution. What has happened, the Traffic Law has been on the books for many years, when we first had our Traffic Law we did not have to deal with the amount of traffic that we have today, we are still using a law that was designed for very little traffic and it is, I believe time to take a new look at the whole problem and we are willing to do that, but I do not believe that at this particular stage here today we can do much to improve the present system.

HON. TRUMAN M. BODDEN: Mr. Chairman, I think what the Honourable Second Official Member was referring to is Section 34 (1), "that it is the duty of every person driving any kind of vehicle upon a road to avoid obstructing other vehicles whether the vehicle under control is in movement or stationary". - obstruction section, which I will just pass on.

CAPT. C.L. KITKOWSKI: Mr. Chairman, I just mentioned the area, because during my time in office I had many calls about congestion at the Nemoss and Geddes Building and several occasions I had to call the Traffic Department to go down and get the vehicles removed, and that is why I am bringing that to this Honourable House's attention, Sir.

HON. DAVID E. BARNICK: I do not think we should delay the deliberations of the House on the comma in this particular clause, Sir. I have not got a comprehensive collection of the Law, Sir.

MR. CHAIRMAN: Well, if there are no further comments I will put the question on Clause 3. The question is that Clause 3 do stand part of the Bill.

MISS ANNIE H. BOLDEN: Mr. Chairman, I thought that there would be some amendment on (b) little (ii) for this "two minutes", I thought that we had sort of agreed that that was a very short time.

MR. CHAIRMAN: There is no formal amendment being proposed.

MR. NORMAN W. SCOTT: Mr. Chairman, under this Section I had brought this up in the debate yesterday, and I would propose that the time under (1)(b) (ii) be changed to at least five minutes as I feel that two minutes is insufficient time.

HON. G. HAIG BODDEN: Mr. Chairman, I have no objection to the increase in time.

HON. D.H. FOSTER: I do not think it matters one way or the other, Sir, because there is nobody to really check it.

MR. CHADDOCK EBANKS: Mr. Chairman, is it too late for this proposed amendment to be sent to a Select Committee to study it now to be dealt with at the end of this present sitting?

MR. CHAIRMAN: I am afraid we have missed that boat on the Select Committee there must be a formal motion before we move into Committee, so we are now obliged to proceed with this. If five minutes seems to be the will of the House, I will put the question that Clause 3 be amended by substituting the word "five" for the word "two" in Clause 3(1) (b) (ii).

QUESTION PUT: AGREED

MR. CHAIRMAN: I will now put the question that Clause 3 as amended do stand part of the BILL.

AGREED. CLAUSE 3 AS AMENDED WAS PASSED.

CLERK: CLAUSE 4. SUBSTITUTION OF SECTION 82 OF THE PRINCIPAL LAW.

QUESTION PROPOSED: DEBATE ENSUED.

MR. BENSON O. EBANKS: Mr. Chairman, the old Section 82 required the specimens to be given while at the Police Station, Hospital or other convenient place, and the proposed amendment omits that stipulation and does not specify where the samples are to be taken or given. I am wondering if that is intentional or an oversight.

HON. G. HAIG BODDEN: Mr. Chairman, I am afraid that I do not have the answer to that, if it is the will of the House to specify where the specimens should be taken I guess we can put it in. But I would think that the sooner the specimen can be taken the more accurate would be the

HON. G. MAIN BODDEN (CONTINUING): minute, but if it is the will of the House to put in specific places I have no objections.

HON. DAVID E. HARWICK: Mr. Chairman, when I first saw this draft I made exactly the same observation, and the explanation that was given to me was that to some extent the words were unnecessary, they did not provide for all possible occasions on the one hand and on the other the term "without reasonable excuse" which is to be found in sub-clause 8 of the Bill would enable anybody who had been asked to give such a specimen, say in a public place where it might have been an offence to do so would have a ready excuse which any Magistrate would uphold when he was being charged with failing to give a specimen. So that in a negative kind of way reasonable provisions are still to be found in the sub-clause to which the Honourable Member referred.

MR. BENSON O. EBANKS: I would be much happier, Mr. Chairman, if the old provision was left in. I know that may be true in the case for these words but with the amount of sub-stations around the place and so on it says, "a Police station", it does not say "the central Police Station" or anything like that and I cannot see why the person could not be taken to a Police Station. I think it gives some protection particularly to -- I do not want to make any aspersions, but I think that the public would be happier with such wording, and I do not think that it detracts from the validity of the Section.

HON. TRUMAN M. BODDEN: Mr. Chairman, without really endeavouring to be comical about this, but seriously, if a Constable asks for a specimen to be taken at such a place that the person would commit indecent exposure the constable would be aiding and abetting it, so I do not believe we would have much worrying with that, because they would get us both at that stage for that crime. In the event we say in a hospital or in a Police Station, if you really wanted to go further you would have to say, "In a private part of that hospital or Police Station", because there are public parts of both. I do not think that it makes the Law any further, I do not think that it detracts from it , and what always worries me, when you put in or do in this Law here it applies the legal rule of *ejusdem generis*, and that can be a very disturbing thing, especially for a young Defence Lawyer.

MR. BENSON O. EBANKS: Mr. Chairman, I am not impressed by the submission at all, the question of indecent exposure does not arise so far as I am concerned.

MISS ANNIE H. HOWARD: Mr. Chairman, I find that if the old law had this stipulation when this examination or whatever it was to take place, that we could not go very far wrong if we included that in this present amendment to the law.

MR. DALHAM D. EBANKS: Mr. Chairman, the thing that I notice here it says "constable" and the constable might not be able to take this test, I thought that it would have been a medical officer to do that.

MISS ANNIE H. HOWARD: Mr. Chairman, the constable operating an alcohol-in-breath measuring device shall do so in the presence of another constable.

HON. G. MAIN BODDEN: Mr. Chairman, I indicated earlier that I was not too concerned if the words from the original law were retained in this amendment. As I see it, to take the blood test the person would naturally have to be at the lab in the hospital, for the breathalyser test the person would of necessity have to be at the Police Station where the alcohol breath analyzing device would be established. For the urine test, I suppose the specimen could be taken wherever the body would eliminate the specimen, and the actual test would be carried out at the lab. So it does not seem to matter too much if we put in these words or if we leave them out, putting

HON. G. BAIG BODDEN (CONTINUING): then he would not want to restrict the places in which the test can be taken because of the nature of the test, the places where the test can be taken are already restricted with the exception of the urine specimen which could be given, I suppose anywhere where it could be done within the bounds of decency.

MR. CHAIRMAN: Does the Honourable Member wish to move an amendment.

HON. G. BAIG BODDEN: Mr. Chairman, I do not feel like making the amendment, but if other Members care to make it, that is fine with me.

MR. BENSON O. EBANKS: I so did move the amendment, Mr. Chairman, and it is that in sub-section (2) the first line after the word "may" add the words "while at a Police Station, Hospital or other convenient place".

MISS ANNIE E. BODDEN: I beg to second that, Sir.

MR. CHAIRMAN: This follows exactly the wording in the Motor Traffic Law. It has been moved that Clause 4 be amended in Section 62 (2), inserting the words after the word "may" " A person who has been arrested under subsection (1) may" the amendment then carries on "while at a Police Station, Hospital or other convenient place", in the wording in the original Motor Traffic Law.

I will put the question that Clause 4 be amended by the insertion of these words after the word may in Section 62 (2).

AGREED. CLAUSE 4 AMENDED.

MR. CHAIRMAN: Are there any other comments on Clause 4, if not I will put the question that Clause 4 as amended do stand part of the Bill.

AGREED. CLAUSE 4 AS AMENDED WAS PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 64 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 66 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. AMENDMENT OF SECTION 90 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: A LAW TO AMEND THE TRAFFIC LAW.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on a Bill intituled "The Traffic(Amendment) Law, 1981".

That concludes business in Committee on the Order Paper for today. The Assembly will resume.

HOUSE RESUMED

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER

MR. PRESIDENT: The question is that this House do adjourn. Before I put the question, I hope that Members will be ready to proceed with the debate on the Throne and Budget Speeches at 10:00 a.m. to put them for tomorrow after we dispose of Bills.

MR. BENSON O. ADAMES: They will of course be debated separately.

MR. SPEAKER: I am at the disposal of the House on this. In 1977 we collated the two debates as they both dealt with the economy. I think it might save time, and if Members are agreeable to that we will be able to raise any points in the Throne Speech and my points in the Budget Speech in the course of the one debate, otherwise I think there will be a lot of duplication.

MR. BENSON O. ADAMES: I have no objections, Sir, I just was not aware that it was the intention to do both. (I am sorry, I apologies for not standing, Sir.)

MR. SPEAKER: Well, I hope somebody will be ready to hit tomorrow morning. We will dispose I think of the business on Bills in Committee before we go on to the episodes, so it will give Members a little more time. I will put the question that this House do now adjourn.

QUESTION PUT: AGREED. AT 4:15 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 18TH FEBRUARY, 1981.

STATE OPENING AND BUDGET SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON WEDNESDAY 14TH FEBRUARY, 1951

PRESENT WERE: -

HIS EXCELLENCY THE GOVERNOR - HON. THOMAS RUSSELL, CMG., OBE. - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON. D.R. FOSTER, CBE., JP. | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON. D.R. DARWICK, CBE. | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON. V.G. JOHNSON, CBE., JP. | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON. JOHN B. McLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |
| HON. TRUMAN M. DODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON. JAMES M. BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON. G. HAIG BODDEN | MEMBER COMMUNICATIONS AND WORKS |

ELECTED MEMBERS

| | |
|---|---|
| MR. GARSTON A. SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. DALMAIN D. EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. BENSON O. EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. NORMAN W. BODDEN, MBE. | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE H. DODDEN, OBE. | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT. CHARLES L. KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT. HARRY S. KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR. CHADDOCK EBANKS, JP. | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE. |

ORDERS OF THE DAY

THIRD DAY

WEDNESDAY, 18th February, 1981

1. AUDIT REPORT OF THE GRAND TOWN PUBLIC LIBRARY - TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER , MIN.W.C.JOHNSON,C.B.E., J.P.

2. QUESTIONS: -

CAPT. CHARLES L. MCKONNELL OF CAYMAN BRAC TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.9: The main cruise service at the Port is provided by the same shipping company which operates a shipping service into these Islands. Those services are provided under a licence granted to it by the Port Authority and the conditions of working ships appear to be in contravention of the Port Authority Regulations 29 (1) which states that - "As far as may be practicable cargo shall be discharged from and loaded into ships in the order of their arrival in port...". The actual handling of ships of the company takes preference over other ships which have arrived and in some cases, are in the process of being discharged.
Will the Member make a statement?

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.10: Will the Member take steps to restrict children on roller-skates from the use of Public Roads, and in particular the completed roads in George Town?

NO.11: Will the Member state the number of homes presently rented by Government for housing Civil Servants and the monthly rate for each of them?

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.

NO.12: Will the Member take steps to ensure that all Government Quarters in the Cayman Islands are maintained in a more appropriate clean and sanitary condition than now exists?

3. GOVERNMENT BUSINESS:-

BILLS:- The printing of Queen's Law, 1981 - Committee thereon
The Public Health Law, 1981 - Committee thereon

4. COMMENCEMENT OF DEBATE ON THRONE SPEECH AND FINANCIAL STATEMENT.

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WEDNESDAY, 18TH FEBRUARY, 1981

10:00 A. M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

AUDITED REPORT OF THE GEORGE TOWN PUBLIC LIBRARY - TO BE LAID ON THE TABLE.

HON. V. G. JOHNSON: Mr. President, I beg to lay on the table of this Honourable House the audit report of the George Town Public Library for the year ending 31st December, 1979.

MR. PRESIDENT: The report is ordered to be laid on the table.

QUESTIONS

CAPT. CHARLES L. KIRKCONNELL OF CAYMAN BRAC TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 2: The main cargo service at the Port is provided by the same shipping company which operates a shipping service into these Islands, these services are provided under a license granted to it by the Port Authority and the conditions of working ships appear to be in contravention of the Port Authority Regulations 40 (1) which states that - "As far as may be practicable cargo shall be discharged from and loaded onto ships in the order of their arrival in port...". The actual handling of ships of the company takes preference over other ships which have arrived and in some cases, are in the process of being discharged.
Will the Member make a statement?

ANSWER:

Thompson Shipping Company applied on 21st September, 1978 for a license to operate a crane on the dock, seeking as a condition that ships operated by Thompson Shipping should have priority at all times. A license was issued which contained the condition sought by Thompson Shipping Company.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Mr. President, supplementary, Sir. What are the functions of a shipping company?

HON. G. HAIG BODDEN: I do not have a clue, Mr. President.

CAPT. CHARLES L. KIRKCONNELL: Further supplementary, Mr. President, what are the functions of the Port Authority?

HON. G. HAIG BODDEN: The functions of the Port Authority are set out in the Port Authority Law, and I am make a copy of that Law available to the Member or any Member can get it. It is in my opinion a very comprehensive Law, and empowers the Port Authority, and especially the Director of the Port to deal with all matters concerning the operation of the Port and the operation of vessels within the Port area.

CAPT. CHARLES L. KIRKCONNELL: Further supplementary, Mr. President. The functions of the Authority are laid down under section 6 of the Port Authority Law clearly states, section 6 (d), the functions of the

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Port Authority include the following: the provision, maintenance and control of cranes launches, lighters, rafts, trucks, capstans, winches, windlasses, bollards and other machinery, apparatus, tackle and gear used in port and territorial waters for the securing, loading, unloading and maintenance of vessels.

How can the Port, Sir, operate successfully with a third party's crane. At the beginning we realised, Sir, that the Port did not have the wharves that and we gave permission, we waived sections 42 and 49 of the Port Authority Regulations in order to ease up the situation. The Port now has finances that can acquire its own crane and stay within the Regulations. My question is what steps have been taken to secure a crane for the Port?

HON. G. HAIG BODDEN: Mr. President, I believe a couple of questions were posed in the long statement, and of course a specific question was asked at the end. I can only say that the Member now asking the question was the Member in charge of the Port Authority or in charge of the Port in 1978, and I can only assume that in 1978 the Member agreed to a third party operating a crane on the dock and that the Member also knew about the licence which the Port Authority granted. I can only conclude that the Member now is saying to the House that his actions were wrong in 1978.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I thought I had made it clear before I prefaced my question that the Port was newly opened in 1977. 1978 the Port did not have the money to purchase a crane at that time, and it was in September 1978 that a paper was taken into Executive Council to waive sections 42 and 49 of the Port Authority Law. What I am saying, Sir, the situation has since changed, the Port Authority now has funds that it can purchase its own crane.

A further supplementary, Mr. President. I wonder if the Member could tell me how many hours are cranes required to operate annually at the Port at George Town?

HON. G. HAIG BODDEN: I cannot give the specific number of hours right now, it can probably be obtained from the Director, but I would like to add that the statement just made by the Member is correct with regard to the actions taken in September 1978. However, with regard to the purchase of a crane I would like to draw the Member's attention to the Port Authority Law which has a specific provision in it that the Port Authority cannot keep any funds in its possession beyond the amount of fifty thousand dollars, all other funds remaining have to be paid into general revenue, and the Financial Secretary has been very active in ensuring that the provisions of the Law as laid down with regard to the excess revenue funds from the Port Authority have come to general revenue with a clockwork precision so that the Port Authority as a body in its own right does not have the funds to purchase a crane. If the Port Authority decides that such an investment would be in the best interest of the Port Authority, I would think the normal procedure would be for the Port Authority to make a special application to Government for the purchase of a crane.

In 1978 the Thompson Shipping Company was, as I already stated, given a licence to operate a crane for reasons which are well known to the Member bringing the question. If he discovered that between 1978 and 1980 things had changed, I am perplexed as to why the Member did not seek to rectify the situation which obviously bothers him today.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I did try to rectify it Sir. Is the Member aware that a Member of that Shipping Company is a Member of the Port Authority?

HON. G. HAIG SOIBEN. Mr. President, the member asking the question knows that he was the person responsible for the Authority at the time of the appointment of Mr. Kelly Thompson as a member of the Port Authority.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, that is correct, but I would like to make a statement that it was taken to the Board, and at that round this said Member objected to the Port investing in a crane because they had two cranes here.

Further supplementary. What is the rate charged per hour for the crane?

HON. G. HAIG SOIBEN: Mr. President, I really do not know why this question was asked, but with your permission I will read a letter written by Thompson Shipping Company on September 22nd, 1978 addressed to the Secretary of the Port Authority. And it reads "After having spoken with the Honourable Charles Kirkconnell this morning and having been made aware that he as Government was not happy with the rate schedule for the use of the 100 ton crane which Thompson Shipping Company Ltd. has submitted along with the application for licence to operate on the dock, we feel that it is only fair that if some compromise is to be made that we as Thompson Shipping should be allowed to put forth our case if not verbally, then in black and white type situation.

Attached is a run down of what this piece of equipment will cost us landed in Grand Cayman. The bottom line figure is quite a healthy sum of money by any means one hundred and eighty nine thousand, nine hundred and twelve dollars and forty seven cents plus insurance. Taking into account that one dollar C.I. is 75 percent more than one dollar U.S. it is still 12 and a half percent more expensive just to own the equipment in Cayman as compared with the U.S. Additional factors such as port charges, insurance etc. further escalate this cost and in addition U.S. charges are based on a volume which is not here.

We have been in touch with M.E. Harrison Crane Company in Miami and were advised of the following rates: 70 ton crane rated at US$90.00 per hour with a six hour minimum and five hours travelling time which totals 11 hours; forty five ton crane rated US$75.00 per hour, with a four hour minimum plus 2 hours travel time which totals 6 hours.

C & G Crane Services quoted a 70 ton crane rated at $125.00 per hour, no minimum and actual travel time. A one hundred ton crane in permanent service at Dodge Island was quoted as rated at US$785.00 per hour with a 2 hour minimum.

As can be seen from the above rates plus the cost of bringing this crane to Grand Cayman the rates quoted are by no means far out of line, if in fact out of line at all. Never-the-less, if this is going to cause a great struggle between Thompson Shipping, Government and the Port Authority, we are willing to compromise to a point which remains fair to us.

We would suggest a rate of CI$109.00 per hour with a 4 hour minimum and taking into account the short distance which would be required to travel and set up, a half hour travelling time."

Mr. President, if you will permit, I will quote the section of the Licence granted to Thompson Shipping Company signed by Mr. Jackson as Secretary of Port Authority dealing with the rates. This is section 10 of the Licence section 5 (a). "While considering a rate to be charged for unloading of general cargo and cement, I am to say that subject to Thompson Shipping Company agreeing to the rates discussed above, and reiterated as follows: rate per hour $100.00 minimum, minimum time charged 4 and a half hours, moving charge $80.00 both ways, single lift charge $75.00. I am authorised to issue the licence being sought."

HON. G. EARL BOWDEN (CONTINUING): Mr. President, if it were not that it takes so much time I would go through this entire file and read all the subsequent conversation, because it would appear to me that the questions now being asked the answers are contained in this file which, during the time the Member was the Member responsible, could have been available to him and perhaps could even now have been, without the long process through the House, but I am willing now Sir, if you agree to read the Port Authority Law, the Regulations, the Leases, all the correspondence, I have no objection because it seems to me that the transaction between the Port Authority and Thompson Shipping Company was a legitimate business transaction in which Thompson Shipping Company offered to lease or to hire, or to make available to the Port Authority a crane at a specific rate, and Thompson Shipping Company agreed and a license was issued by the Port Authority and the Member asking the question for the years that the Port Authority has been in operation was the Member responsible for the Port Authority.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am very familiar with the transactions of the Port, and if you will permit me to give the answer to what I am trying to arrive at as you permitted the other Member to read correspondence, because I see the Member is not very familiar with what is going on, and if I could make a statement with your permission, Sir.

HON. G. EARL BOWDEN: Mr. President, I will say this is question time, the Member should ask questions not give answers. If question time in my opinion is not to be abused the questions must be asked, and Members asked the questions must answer. I do not think we should reverse the position.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I asked a question, but the Member cannot answer the question so what I have said to you rather than go ahead and get negative answers, I have the answers, and I would get down to the meat of what I am trying to prove. This is all I have said, but I realize that it is question time, and I am prepared to stick with the question time if I am getting an answer but I am getting a reread of correspondence from 1978.

HON. G. EARL BOWDEN: Mr. President, if the Member will ask a question I will answer or endeavour to get the answer. I am not in anyway attempting to dodge the answer. If he will ask a direct question I will give, according to the best of my ability, an answer and if the House permits, we can call I suppose the Port Director and he can sit here and I can accumulate any information that is not within my possession to any Member of the House. I strongly believe that question time is an important time of parliamentary life and that Members asking questions should get answers, but I also believe that question time should not be abused, let Members ask questions let us give answers.

MR. SPEAKER: If I may make it clear that question time is for asking questions on the one side and for Members on the other side to answer them. It is not to be used as a opportunity for debate. The proper procedure is if a debate is required a private Member's motion can be put down and the matter can be properly debated, but question time is not a time for making statements, it is a time for asking questions and having the answers given.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, in view of an answer given earlier by the Member that the crane cost $180,000.00 and the total earnings of the Port by a crane is $325,634.00 or working time of a crane is about 2200 and odd hours, in view of the cost of the crane and the

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): earnings of the crane, does the Member think that the Port Authority could make a very favourable return on the investment.

MR. PRESIDENT: I am afraid the Honourable Member is asking for an expression of opinion which is not permitted.

MR. CHALDECOT MANNING: Mr. President, if I may ask a supplementary, can the Member say how long the license was granted for the use of this crane by Thompson Shipping Company?

HON. C. WAIC BODDEN: Mr. President, I think, I am correct in saying it is granted for one year and has been renewed at the beginning of each year, that is each anniversary. The last renewal here seems to have been dated in January of 1980, 28th day of January, 1980. There probably is a renewal for 1981 which does not appear to be in the file. I do not even know if the Port Authority has met since that date, but it would appear that the license granted in 1979 has been renewed on a yearly basis ever since. If you will permit Sir, and if you think it necessary I can read the entire license, which perhaps sets out the particular detail that the Member is seeking.

MR. PRESIDENT: I do not think that is necessary, the question was asked for the date and it should be unnecessary to read out the whole contract. I would remind Members that we have one hour of question time, we have taken half an hour on question which means that some questions may have to have a written reply instead of an oral reply unless we are fairly quick.

MISS ALMIE H. BODDEN: Mr. President, I would like to ask a supplementary question, and it is this: Would the Member state the average cost per month for this crane which is operated by the Thompson Shipping Company, what does it cost the Government per month average? If he is able to answer.

HON. C. WAIC BODDEN: The crane costs Government and the Port Authority nothing. Thompsons pay an annual fee of $100.00 to the Port Authority for the license; the ships which use the crane pay Thompson Shipping Company, but it costs Government nothing.

MR. BENSON MANNING: Mr. President, if I may ask a supplementary, the Member stated that the license is an annual one and in the question it is posed that some ships are being penalized by the arrangement, would the Member state whether he is satisfied with this arrangement or whether he will be looking at the possibility of correcting the anomaly which exists.

MR. C. WAIC BODDEN: Mr. President, in the answer given I made it clear that Thompson Shipping Company, in applying for the license, had requested - to use the words of the letter "that one of the terms of the operation would be that ship or ships operated by Thompson Shipping Company to have priority at all times." In issuing the license, to use the exact words of the license the license was granted "that Thompson Shipping Company will be allowed to operate the crane in unloading the "MV Twin" (which was one of their ships I suppose), for an alternate employed by Thompson Shipping on a first priority basis," that is that the requirements of 43 and 48 of the Port Regulations.

Now as to whether I am satisfied with the situation at the dock I can say yes, because I have not received a single objection from any ship owner with regards to the use of the crane, with the exception of the question brought by the

HON. G. HAIG BODDEN (CONTINUING): Member in which he seems to be disturbed by a situation, which in my opinion, he has created since he was the Member responsible. I can only say that I am satisfied with the operations at the dock. If ship owners come to us and say that they are not satisfied will then Government will have to take a new look at it, but the condition has existed for more than two years and so far as I know Government itself, that is the Executive Council of which I have been a Member, and since I have been a Member responsible for the Port Authority I have not received a single complaint on this particular issue, so my answer is that at the present time I am satisfied. If people with special interest make complaints to Government then Government is obligated to examine those complaints and to try to remedy them, but as of today's date I have received no complaints and I am satisfied with the operations on the dock.

MR. BENSON EBANKS: A supplementary, Mr. President Am I to understand from the Member that it is his intention to operate on the basis of complaints only?

HON. G. HAIG BODDEN: I do not think I am capable of helping the Member's understanding, Mr. President, he can understand what he feels like understanding - I have made my statement, but I am afraid it is beyond my capabilities to help that Member's understanding.

MR. BENSON EBANKS: A supplementary, Mr. President. Will the Member state whether he will undertake to review the operations at the Port and not according to his judgment rather than on complaints of the public?

HON. G. HAIG BODDEN: Mr. President, it is my opinion that if the crane operation works well, and if it does not involve any expenditure to Government we should leave well enough alone. If there is a problem which ship owners do not agree with let them put their complaints to Government and we will examine them, but ever since 1978, as far as my information goes, the crane operation has not cost Government a single penny, in fact the history of the case is that in 1978 when Government was suffering from its deficit position into which it had been put from certain actions in previous years or at least in the condition it found itself, it was unable to purchase a crane and Government welcomed the kind gesture of Thompson Shipping Company in purchasing a crane and making it available so that the Port Authority could carry out its function of loading and discharging ships.

MR. SPEAKER: I think understanding order 23 (2) I am going to exercise my discretion to move on to further questions. We have had sufficient supplementaries to elucidate the answer given orally to this question.

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE U. A. FOSTER, M.B.E., J.P., RESPONSIBLE FOR INTERNAL EXTERNAL AFFAIRS.

NO. 10. Will the Member take steps to restrict children on roller skates from the use of public roads, and in particular the congested roads in George Town.

ANSWER:

There is no specific legislation to control the use of roller skates on the public roads although children skating on the public roads can become a menace to road users only a few complaints have been received and no serious situation has arisen regarding the use of them in Town. However the problem will be watched closely, proper parental control would be helpful.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask a supplementary question. Will the Member seek to have such legislation enacted to save the lives of children and maybe others.

HON. D. H. FOSTER: Mr. President, if necessary yes, we will watch the situation. I think roller skates are like any other toy seasonal and probably in a couple of months' time they will stop using them, but if it persists and the Police Department sees that it is going to become dangerous we will certainly do the legislation.

MR. CHADDOCK EBANKS: Mr. President, if I may ask a supplementary, why wait till it becomes dangerous before enforcing or bringing legislation into effect.

HON. D. H. FOSTER: Mr. President, why deprive the kids of a little enjoyment? We will use our best endeavours to keep them from the town center but there is no harm in certain areas like around the Administration Building after it is closed for the civilian skating there. I would think you are depriving them of a little privilge and enjoyment that they want to have.

MR. CHADDOCK EBANKS: Mr. President, a further supplementary, I wonder if the Member would consider Hilton's Road in the peak movement of buses with school children the proper place and time for this to be going on?

HON. D. H. FOSTER: Definitely not, Sir.

MR. CHADDOCK EBANKS: I have seen that and I think then it is time for legislation to be brought in.

MR. DALMAIN EBANKS: Mr. President, supplementary; could the Member say whether in other countries they have legislation against kids using roller skates on side walks and streets.

HON. D. H. FOSTER: Mr. President, off-hand no, I really do not know.

MR. PRESIDENT: If there are no further supplementaries we can take the next question.

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE D. H. FOSTER, M.B.E., M.P., RESPONSIBLE FOR INTERNAL EXTERNAL AFFAIRS

NO. 7: Will the Member state the number of homes presently rented by Government for housing Civil Servants and the monthly rate for each of them?

ANSWER:

The number of homes presently rented by Government for housing Civil Servants are five (5) and the monthly rate for each of them is:- $700.00; $697.00, $650.00, $800.00; and $450.00.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, I should like to ask a further supplementary, is there presently now a house rented or has it been in the past for the fabulous sum of three thousand dollars per month.

HON. D. H. FOSTER: Definitely not, Sir, not to my knowledge.

MR. CHADDOCK EBANKS: Mr. President, if I may ask a supplementary - would the Member state if it is Government's intention to build its own housing for Civil Servants.

HON. D. H. FOSTER: Mr. President, housing has been recently given to the portfolio of Tourism Aviation and Trade and I know the Member is looking into the matter but I do not think he has come to any real decision as to policy about this. I know that our housing for imported officers, or for officers that we have to find housing is definitely needed, but we could not by any means find for everybody. I do not think we could undertake to find for all Civil Servants, Sir.

MR. CHADDOCK EBANKS: Mr. President, the question I am asking is if it is Government's intention to build its own housing for imported Civil Servants?

HON. D. H. FOSTER: Speaking on behalf of the Member under whose portfolio this comes, Sir, I am almost sure that I think this is his intention when he is looking at the matter.

MR. BENSON EBANKS: Supplementary, Mr. President, could the Member state who will occupy the houses to be built with the $400,000.00 in the estimates this year?

HON. D. H. FOSTER: Mr. President, it is difficult for me to pin-point who will occupy these houses, or how many will be built for that sum. I think that one was just put in there, but no real definite plans have been made as to the number of houses and so on as far as I know. But I would say that the people who fall in line of seniority that are imported, would have first preference.

MR. CHADDOCK EBANKS: One further supplementary, Mr. President, will the Member state then if Government has sufficient land to build other homes for imported Civil Servants?

HON. D. H. FOSTER: I am not so sure on what I know we have a couple bits of scattered land all over the place, but I am not really sure if we have the land available at present.

MR. CHADDOCK EBANKS: One more supplementary Mr. President. How many bedrooms are in the homes being paid $700.00 per month?

HON. D. H. FOSTER: That particular house, Mr. Chairman, had three (3) bedrooms and two (2) bathrooms.

Mr. PRESIDENT: If there are no further supplementaries on this question we now move on to the last question.

MISS ANNIE S. HOLDEN OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 19. Will the Member take steps to ensure that all Government Cemeteries in the Cayman Islands are maintained in a more appropriate clean and sanitary condition than now exists?

ANSWER:

Government has carried out a survey through the Lands and Survey Department and Public Works to establish the requirements in upgrading the standards of maintenance and

ANSWER TO NO. 12 (CONTINUING):

organization of all public cemeteries on Grand Cayman.

Plans have been completed for each cemetery outlining the layout of vaults, pathways and fences.

Regulations and a cemetery register are in the process of being compiled for each cemetery which will facilitate proper management as well as provide an historic record of persons interred therein.

Caretakers will be appointed to supervise cleaning and general upkeep of each cemetery as well as supplying a progress report when required.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, will the Member state if it is the policy of Government at this present time before all these regulations and so on are complete to try to have some of these cemeteries put in a little more sanitary condition?

HON. JOHN B. MCLEAN: Mr. President, I gave the Member that assurance a few days ago. I have also instructed Dr. Jackson to go ahead with this.

CAPT. MABRY K. KIRKCONNELL: Mr. President, a supplementary. Will the Member please state if this will include cemeteries in Cayman Brac and Little Cayman.

HON. JOHN B. MCLEAN: Mr. President, presently the plans I have spoken about are for Grand Cayman. We will be looking into Cayman Brac.

MR. PRESIDENT: If there are no further supplementaries, we will take question time to be concluded. The Assembly will now move into Committee to study two bills on the order paper.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in Committee. We turn first to a bill intituled "the Printing of Papers Law, 1981".

THE PRINTING OF PAPERS LAW, 1981

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PROPOSED:

HON. D. H. FOSTER: Mr. Chairman, on the recommendation of the Legal Department, Sir, I would like for the words on the definition of "paper" on the last line and a half "and published periodically or from time to time;" to be taken out, Sir, and a full stop after "dispersed".

MR. GARETON SMITH: Mr. Chairman, I have one amendment I would like to put forward if the Attorney General could guide us a little better on that. It says "including any mechanical mode of reproduction", I think, Sir, it should say "includes any mode of reproduction including mechanical or manual" may be the learned Attorney General could guide us a little bit on this.

HON. DAVID R. DARWICK: My first reaction to printing is essentially a mechanical process, that if we were to adopt the suggestion of the member, it would include ordinary hand-writing and ordinary printing which by printing, I mean manuscript printing, not letters, but these are printed documents in the type of newspapers, circulars, handbills and things of that order. And that the object of the Law is not ordinary letters which are already covered by different aspects of our ordinary Law and common Law.

MISS ANNIE H. BODDEN: Mr. Chairman, I would like to ask, Sir, if these leaflets which were in circulation in these newspapers before the election what would they be named? Those that had my smiling picture, Sir.

HON. T. H. FOSTER: They would be termed a paper. It would come under the definition of this.

MISS ANNIE H. BODDEN: Newspaper periodical or magazine containing public news, intelligence or occurrences, or any remarks or observations thereon, printed for sale. Well, Mr. Chairman, I am not sure they were for sale, they were for mockery. Where do they come in?

HON. DAVID R. DARWICK: It is stated in the definition that they are printed for sale or in order to be distributed or to be dispersed, it would not be limited purely to papers that were prepared with a view to their being sold. Its dispersal, publication by distribution and dissemination that the definition seeks to cover.

MR. BENSON EBANKS: Mr. Chairman, I wonder if I could be enlightened on the difference between public news and news?

HON. DAVID R. DARWICK: The precise definition of all terms and expressions in the law itself is not possible. The meaning which the terms are to be given is a matter, on many occasions : for judicial interpretation. The words which appear in this section have case law, which surround them and in the case of any particular paper it would fall, eventually for the court to rule whether or not the news that the paper contained was public news, but I would suggest that news is essentially any item which comes normal to the mind, for example a single person could receive news of a death, or news of a birth, without any other person necessarily receiving the same communication. I think a thing becomes a public matter when it is of general public concern or interest, something which takes place in the public field and I do not think that a Court would have a great deal of difficulty in deciding whether a particular piece of intelligence was public intelligence or purely private intelligence. Private intelligence can become public intelligence, for example the engagment of a member of the Royal Family is a private matter as between the engaged couple, but it is also a matter which the whole of the Commonwealth would be interested in.

No I think we will have to leave it to the Courts and to the people who decide to bring any prosecutions whether they be public or private. The first hurdle they would have to jump would be to prove to the Court that the intelligence, the news or the occurrences were public in the sense in which the case Law says they are public. If there was considerably doubt any reasonable doubt as to

HON. DAVID E. SARRICK (CONTINUING): which they were public news or not of course then the prosecution would not succeed. I am afraid, I cannot help, I have donated a bit, but I cannot help the honourable Member much more than that.

MISS ANNIE H. BUDDEN: Mr. Chairman, could I be made to understand that if a newspaper like the Times and the Compass as in the case I am quoting, according to this law, who would be responsible for an unsigned paper or unnamed paper published, would it be the women on the Compass or who would it be? Where would the prosecution come from then?

HON. DAVID E. SARRICK: Now, Sir, I am only hazarding my own view of how this law would be interpreted we will have to consider this in some depth and I think the answer would lie in this question of sending forth for the public for sale. There are a number of court cases which say that the same thing can be published by a number of people, for example the paper such as the lady Member mentioned would be published in London, they would also be published in the main Cities and Towns in the United Kingdom and I suggest when a bundle of them are received here by air and are sent around by the local wage agents, then they would be published here, and it may be necessary for them to put a stamp, as you find in many other countries, I think I am correct in saying you find it in Miami when you buy a foreign journal, there is usually a stamp on the back saying "published by such and such an agency or by such and such a person". The lawyer magazines print that information as part of their information on page two (2) or page three (3) quite often. You will see, without wishing to mention particular names there are distributors throughout Australia, for example and American and International magazines already contain the information when they print it that there are the distributors in those particular places.

It will be a matter the new agency will have to look when they are actually disseminating by means of sale of overseas publication from the stores, most other countries in the world of course already require these details to be given. I do not know of any country which regularly supplies magazines and newspapers to Cayman which does not already have these requirements on the law, but a local distributor of foreign publication might be well advised to take advice to see whether he needs to add something by way of a rubber stamp or something when he issues these journals.

MR. CHAIRMAN: It has been proposed that the definition of paper in clause 2 be amended by deleting the words "and published periodically or from time to time;" deleting the comma after "dispersed" and inserting a semi-colon. I will put the question on the amendment.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK. CLAUSE 3. NAME OF PRINTER AND PUBLISHER TO BE PRINTED ON PAPER.

QUESTION PROPOSED:

MR. CRADDOCK EBANKS: Mr. Chairman, I feel that when is imposed here as fines and imprisonment if there should be another circulation of such a type of underground leaflets and papers fly around in and out of the country as what existed a years ago, I would propose an amendment to this in place of $500.00, $5,000.00 in lieu of six months, six years imprisonment. Because when one or two, or half a dozen people would go to the extent to destroy a country and its population, I do not think that it is being protected, when it is put at $5,000.00 or six years imprisonment.

HON. G. HAIG BODDEN. Mr. Chairman, I agree with the Member that the penalties seem small, and I would say that the $500.00 should be $5,000.00

HON. G. HAIG BODDEN (CONTINUING): but probably six years would be a little too much, we could make that only one year, because the harm that such a publication could cause to the country, I mean if foreign investors had believed even one page of that publication that was circulating I would see them packing up and leaving, but they must have known that this was coming from the hands of some deranged person and no little harm seems to have been done and I agree with the Member that the $500.00 should be $5,000.00 but probably the six months could be a year that could be more in line with the $5,000.00. I agree there should be an increase in the penalties.

HON. DAVID H. DARWICK: I think the House should remember Sir, that the penalties here are only for not printing your name and address, they are not for writing scurrilous things, the scurrilous things will bring with them their own punishment, this is for just simply not printing your name for a printer, or a book agent or somebody of that sort
not printing his name on a piece of paper. We are not trying to punish people for saying scurrilous things about people in this Bill.

MR. HADDOCK EBANKS: Mr. Chairman, the hair spring in a watch is what causes the problem, and the problem is this because nobody signed their names.

HON. DAVID H. DARWICK: Sir, on a point of order is the Honourable Member using his microphone? I am afraid I cannot catch what he is saying.

MR. CHAIRMAN: Could the Honourable Member repeat his remarks.

MR. HADDOCK EBANKS: I said what causes the problem in a watch is the hair spring. Only if the hair spring is broken the watch does not operate anymore. These people, whoever they may be or if any new group should appear to write such papers that have been going on and do not sign their names to it then they ought to be penalised for not signing their name to the paper.

MR. CARLTON SMITH: Mr. Chairman, I do not go along with the $5,000.00, but I think the penalty here is a little low. I would suggest that it should be at least $1,000.00 this is my firm feeling about it, that it should be more than $500.00.

HON. DAVID H. DARWICK: Yes Sir, I think the point is well taken. If the sanction which the law contains is not sufficient in the Member's view, to lead people to print their names, that they will avoid doing that.
I think perhaps then we could consider an increase in the sanction. The figure suggested by the last Honourable Member seems a reasonable one to me.

MR. CHAIRMAN: Well we have our first proposed amendment is for $6,000.00 and a maximum of six years imprisonment; the second suggestion was $5,000.00 and one year imprisonment, and the last one is for $1,000.00 fine with no alteration in the imprisonment. Well we can vote these out one by one, unless any Members wish to withdraw their amendments.

HON. G. HAIG BODDEN: Mr. Chairman, I will withdraw my suggestion.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, certainly there must be a precedent to these, the fines, and the terms of imprisonment and so on, in other laws in other countries; if we make this excessive or out of line the Bill will be frustrated and I would like to ask the Attorney General what is the amount charged in other countries for this offence and how many months or year given for it?

HON. DAVID H. BARRICK: When penalties were being considered for this Bill the Government took into account penalties for similar offences in other Commonwealth countries, and we tried to equate them to our local currency as well as we could. I do not feel on the other hand that to double the amount of the fine would be regarded as being unduly harsh, I think the amount would be reportable particularly in view of the fact I think that money changes value so quickly these days, that we might otherwise be back here in a year or two seeking to amend this Bill. I would not support the second suggestion.

MR. CHAIRMAN: I will put the question of the first proposed amendment, first of all. That is Mr. Craddock Banks' proposal, that the sum of $5,000.00 be substituted for $500.00 and six years be substituted for six months. Will those in favour of that amendment please say "aye", those against "nay". I think the "nays" have it. I will put the second proposed amendment that the sum of $1,000.00 be substituted for $500.00 and the term of imprisonment remains the same.

HON. JAMES M. BODDEN: Mr. Chairman, unless I have a wrong paper, the paper that I am reading from it says $200.00 or three months in jail. I do not know if there is another that is circulated that has $500.00. So we are really talking about $200.00 in the paper.

MR. CHAIRMAN: The paper I have reads $500.00 or imprisonment for six months on both.

HON. DAVID H. BARRICK: I think the Member might be looking at Clause 4 rather than 3 Mr.

MR. CHAIRMAN: We are dealing with Clause 3.

HON. TRUMAN M. BODDEN: I think perhaps we have an earlier draft Sir.

MR. KENNETH ESSHTON: It is obvious that it has already been increased, Sir.

MR. CHAIRMAN: I will put the question on the second amendment, will those in favour please say "aye", those against "nay". I think the "ayes" have it. I will now put the question, that Clause 3 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSES AS AMENDED.

CLERK: CLAUSE 4. PRINTER TO KEEP COPY OF PAPER, ETC.

QUESTION PROPOSED.

MISS ANNIE E. HONDEN: Mr. Chairman, I would like it on the record please that I am not against the Bill as such. What I am against is what prompted this Bill, that is what I am against. I agree that any publication whether it is a letter to the press or otherwise it should have a signature. I am not against the Bill as such, I am against the methods and the threats that were used to put this in before this House.

MR. CHAIRMAN: I take it that the Lady Member is talking in favour of Clause 4.

MISS ANNIE E. HONDEN: I beg you pardon.

MR. CHAIRMAN: I take it the Lady Member is talking in favour of Clause 4.

MISS ANNIE H. BODDEN: I do, Sir, very much so.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. LAW NOT TO BIND CROWN.

QUESTION PROPOSED:

MR. BENSON EBANKS: Mr. Chairman, could I enquire through you, Sir, the reasoning behind excluding the Crown from this particular bill?

HON. D. H. FOSTER: I think this is because we do not have a Government printer here at the time being, but the day might come when we will have one.

MR. BENSON EBANKS: But why should not the Government.....

HON. D. H. FOSTER: Perhaps I can ask the Second Official Member to elaborate a little bit for me.

HON. DAVID H. BAHNIUK: I think partly because Government is answerable for all its publication, that the multiplicity of them would be a definite savings in expense, when you think of all the papers that the Government will issue which contains matters of public intelligence and comments, including things like schools history books, and things of that nature, a normal exception on Government matter which as the Honourable First Official Member says Government matter which is printed by the Government printer will in years to come carry his imprimatur and be clearly recognisable as such.

MR. BENSON EBANKS: It would seem to me to be a stronger case if you do not have your own printery in which case you would not normally carry your own identification. How is the public to know a genuine Crown publication as opposed to one that is done by somebody else, ostensibly done by the Crown?

HON. D. H. FOSTER: Mr. Chairman, if you look at even these Bills on the back, you will see here printed by the Northeastern Company Limited, by order of the Government of the Cayman Islands.

HON. DAVID H. BAHNIUK: I think what is being said is that what the Crown puts on the papers which the Crown issues are properly matters of administrative and management by the Crown and it is not a seemly thing to make the Crown liable to punishments of this sort in the event that the Crown should fail to do so, but as a matter of fact, present instructions, present practices, and indeed future practices when we get our own Government printery will ensure that all official matter is obvious to the public as official matter, the chances of improper matter being issued officially without this being ascertainable by the reader is almost nil I would suggest, Sir, and improper to legislate for.

MISS ANNIE H. BODDEN: Mr. Chairman, if I may be permitted to ask, Sir, in my younger days I knew exactly when you said that anything did not bind the Crown, what was meant by the phrase. Now I would like to know, we have different terminology these days, we have the Executive Council Members saying "we are the Government". I look on you, Sir, as the leader, and I would be very sure in my humble way of thinking that if you did something that would be what I consider the Crown. Now I would like to know for my own benefit, if any of these present Executive Council or Executive Councillors to come if they felt that they could publish something, any upriser Annie Bodden, or attack me in anyway, would I be protected from the phrase that that thing says "not binding the Crown."

MISS ANNIE H. BODDEN (CONTINUING): ...Mr. Chairman, I am a bit alarmed about being in this Assembly, Sir, because I am obviously being attacked on every corner, and one of these days my bad temper might get away with me, and I might get in trouble so I would like to have, as far as possible, to the best of my ability, a clear understanding of what certain phrases mean.

HON. DAVID R. ARNOLD: Nobody Sir, could be taking away anybody's common law right to sue if defamed in any Government publication. The thing that has been taken away from among the obligations of the Government is to print its name on everything that it issues and the name of the publisher.

MR. CHAIRMAN: If there is no further debate on Clause 5.....

MR. GARSTON SMITH: Mr. Chairman, before we go on from 4 in Clause 2, where it says.....

MR. CHAIRMAN: I think we have passed Clause 4, we are on Clause 5 now.

MR. GARSTON SMITH: I am sorry, Sir.

MR. CHAIRMAN: If there is no further debate on Clause 5, I will put the question that Clause 5 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: A LAW TO REGULATE THE PRINTING OF CERTAIN PAPERS.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes examination of a Bill entitled "The Printing of Papers Law, 1981".

We continue in Committee. We next turn to a Bill entitled 'The Public Health Law, 1981'. This is a long Bill and no formal amendments have been proposed, so I would propose to take five Clauses at a time, if there is no objection.

THE PUBLIC HEALTH LAW, 1981

CLERK: CLAUSE 1 - SHORT TITLE AND COMMENCEMENT.
CLAUSE 2 - INTERPRETATION.
CLAUSE 3 - ADMINISTRATION OF THE LAW, OFFICERS
CLAUSE 4 - POWERS TO PRESCRIBE STANDARDS OF PURITY FOR WATER SUPPLIES AND DUTY OF CHIEF MEDICAL OFFICER IN RELATION TO WATER SUPPLY.
CLAUSE 5 - POWER TO CLOSE OR RESTRICT USE OF WATER FROM POLLUTED SOURCE OF SUPPLY.

QUESTION PROPOSED THAT CLAUSES 1 TO 5 STAND PART OF THE BILL.

MR. HANSON HENDRIS: Mr. Chairman, I raised the question yesterday in the debate on the second reading of the Bill on Clause 5 as to whether the Chief Medical Officer should have to await the outcome of a court hearing in order to close a water supply that in his opinion is polluted to the extent that it is likely to cause or that it would be prejudicial to health. I do not know whether the Member piloting the Bill or responsible for the Bill

MR. DENZIL EBANKS (CONTINUING): com further elaborate on the explanation he gave in the winding up yesterday, but it does not seem to me that this refers to premises as such, this is under water supply, and it would seem to me to apply to any source of water even if it was a central water supply, it would seem to me that you would have under this Clause to get a court order. I do not know whether the explanation might be that under general powers in the back he would use it, but then on the other hand, I cannot see why the Clause would be so specific if that was the intention.

HON. TRUMAN H. BODDEN: Mr. Chairman, this section, the intent of it is really to deal with a situation where not is a nuisance or the polluted water just abated or dealt with, but it is one in which there can be a permanent closing down of it. I think-well, it is a bit of a subtle distinction the difference between the Part II and Part III the Member would have a look at that in sub-section 2 of section 8 says "It shall be the duty of the Chief Environmental Health Officer to take such steps as he deems necessary to remove or secure the abatement of all statutory nuisances and if the circumstances so warrant proceed at Law against any person committing any such nuisance". Then it goes on "to abate including to take all reasonably practical measures to prevent recurrence." Then I refer the Honourable Member to sub-section (2) of section 7 paragraph (d) and paragraph (h) and I think, Sir, that the difference here is that the Chief Environmental Health Officer, if he finds that water is polluted then he can go in and he can deal with it substantially as a one off thing both as to what exists and as to prevent a recurrence. If he wants to put it on a footing, that he can then exercise more authority, or if he wants to permanently or for a period of time temporarily stop a supply after it has become good again, this other section which is more serious I think would come into play, so Part III really is a quick action that can be taken, but it cannot be a permanent action where as under Part II the action is really deemed to be a serious action, in other words water supply is now good, but for some reason the court feels that there may be recurrence of it before it could be dealt with under Part III then the court will order that it be closed, or it may be difficult to find out the extent of pollution, because may be it is defective machinery reproducing it for instance or some thing of that sort, so I believe one deals more with a serious permanent, even though it does refer to temporary closing off and Part III gives the power that the Member has raised that it can be deemed a statutory nuisance and abated. I do not know if that sort of covers what the Member raised.

MR. HANSON EBANKS: I would have thought section (d) of 7 Part III would have been more relevant to what I was dealing with, rather than (h).

HON. TRUMAN H. BODDEN: I quite agree with you, I just gave you everything because (h) included cistern and water-tank, and (d) also included it, and dealt with human consumption and the other one deals with just something offensive or prejudicial to health.

MR. HANSON EBANKS: Mr. Chairman, it is still to not clear to me, because Part II is defining statutory nuisances and section 8 requires that the Chief Environmental Health Officer here again deals summarily with these.

Anyway as I pointed out yesterday, I have not had a lot of time to study this Bill and if the Member is satisfied that the Chief Medical Officer has the power that he should have under that section, I am not going to elaborate, or prolong the discussion, but it would seem to me to be rather restrictive.

HON. TRUMAN H. BODDEN: Mr. Chairman, I will always give the Honourable Member the assurance, if this goes through and there is

HON. THOMAS M. BODDEN (CONTINUING): any aspect which does not work I will be happy to just come back and change it, but at this stage it appears that there is sufficient to cover this.

HON. DAVID E. HEWICH: I have got one point, I think some measure of over-lapping in the two provisions about which determinations have taken place the one is where the water is prejudicial to health, the other is where the water is prejudicial to health or a nuisance, and I think that probably a distinction could be found in that phrase. The point I have got is not a point of substance, the sixth line of sub-section (a) of the last Clause that you called, Clause 5 (2), (4), (6) is a reference to the "reform" which should read "there from" is a kind of simple printing mistake in the word. Sixth line of sub-Clause (2) of Clause 5 could be amended at the Table.

HON. CHAIRMAN: I think this can be amended at the Table. If there be no further debate, I will put the question Clauses 1 to 5, that these stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 1 TO 5 PASSED.

CLERK: CLAUSE 6 - DUTY OF OFFICERS TO INSPECT THE CAYMAN ISLANDS FOR DETECTION OF NUISANCES AND TO SECURE THEIR ABATEMENT.

CLAUSE 7 - STATUTORY NUISANCES.

CLAUSE 8 - SERVICE OF ABATEMENT NOTICES.

CLAUSE 9 - POWER OF COURT TO MAKE ABATEMENT OR CLOSING ORDER.

CLAUSE 10 - COSTS AND EXPENSES INCURRED IN OBTAINING AN ORDER UNDER SECTION 9.

QUESTION PUT: AGREED. CLAUSES 6 TO 10 PASSED.

CLERK: CLAUSE 11 - APPEALS TO QUIT A CLOSING ORDER.

CLAUSE 12 - OFFICER IN CHARGE OF PUBLIC WORKS TO COMPLY WITH REQUESTS FROM CHIEF ENVIRONMENTAL HEALTH OFFICER.

CLAUSE 13 - POWER OF INDIVIDUAL TO MAKE COMPLAINT AS TO STATUTORY NUISANCE.

CLAUSE 14 - CHIEF MEDICAL OFFICER MAY TAKE PROCEEDINGS IN GRAND COURT FOR ABATEMENT OF STATUTORY NUISANCE.

CLAUSE 15 - DECLARATION OF OFFENSIVE TRADES.

QUESTION PUT: AGREED. CLAUSES 11 TO 15 PASSED.

CLERK: CLAUSE 16 - CONTRAVENTIONS RELATING TO OFFENSIVE TRADES.

CLAUSE 17 - GOVERNOR TO PROVIDE A PUBLIC HEALTH LABORATORY SERVICE.

CLAUSE 18 - PERSONS OTHER THAN GOVERNMENT STAFF MAY USE LABORATORY SERVICE.

CLAUSE 19 - NOTIFICATION OF DISEASE.

CLAUSE 20 - RESTRICTION OF MOVEMENT.

QUESTION PROPOSED THAT CLAUSES 16 TO 20 STAND PART OF THE BILL.

MR. HUDSON BRANKS: Mr. Chairman, in section 17 of the marginal note, ie "the Governor to provide a public health laboratory service", and in section 17 it appears that the responsibility is permissive rather than obligatory, that is the word "may" is used rather than "shall", whereas the normal sentence says the functions of the laboratory "shall" include.

HON. TRUMAN M. BODDEN: Mr. Chairman, the first part of section 17 is discretionary and it says we may provide the lab, but under the functions "shall" include the doing of these. I take the point that you will probably need the lab to carry out a lot of this, but at present there is no large scale lab or no elaborate lab, and one is the provision of the lab, the other one is if it is so provided then the functions shall include that, so once we do provide a lab they must carry this out.

MR. BENSON BRANKS: I am not a legal draftsman but then should not the marginal note say 'the Governor may provide a public health laboratory?'

HON. G. HAIG BODDEN: Mr. Chairman, I see this as following the normal procedure, the Government may build an airport, but having built it you shall do certain things, the Government may provide a hospital, but at the hospital you shall do certain things, I do not think that we can put it in the Law to force the Government to build a lab. It only says the Government may have a lab, but once having the Lab you shall do certain things.

MR. CHAIRMAN: I think the Member's point is that the marginal notes is out of key with the wording of the Clause. The Clause says "the Governor may," and the marginal note says "the Governor to provide," in other words the Governor will provide.

HON. TRUMAN M. BODDEN: Mr. Chairman, I am quite happy to turn "to" into "may" because the marginal notes not really included in the construction of the statute, and I take the point and I am happy to do that.

MR. CHAIRMAN: This can be corrected at the Table, as it is not part of the Bill itself. If there is no further debate on these Clauses, I put the question on Clauses 16 to 20.

QUESTION PUT: AGREED. CLAUSES 16 TO 20 PASSED.

CLERK: CLAUSE 21 -ON SUSPICION OF INFECTIOUS DISEASE PREMISES MAY BE INSPECTED.

CLAUSE 22 -DUTY TO CAUSE PREMISES TO BE CLEANSED AND DISINFECTED.

CLAUSE 23 -CONTROL OF PATIENTS AND CONTACTS.

CLAUSE 24 -PENALTY FOR REFUSING TO COMPLY WITH ANY ORDER.

CLAUSE 25 -DESTRUCTION OF ANIMALS.

QUESTION PUT: AGREED. CLAUSES 21 TO 25 PASSED.

CLERK: CLAUSE 26 -INFECTED PERSON NOT TO CARRY ON OCCUPATION.

CLAUSE 27 -INFECTED CLOTHES NOT TO BE SENT TO LAUNDRY.

CLAUSE 28 -PROHIBITION FROM CONVEYANCE OF INFECTED PERSON IN PUBLIC CONVEYANCE.

CLAUSE 29 -EXCEPTION.

CLAUSE 30 -REMOVAL OF BODIES.

MR. CHAIRMAN: The question is that Clauses 28 to 30 do stand part of the Bill.

QUESTION PROPOSED.

MISS ANNIE H. BOLUKO: Mr. Chairman, in Clause 30 my copy says "pushes", it must be "bushes". Or is that a word "pushes" or persons dying?

MR. CHAIRMAN: This can be corrected at the table. In case Members wishes do not have a marginal note on 30, marginal note is "Removal of Bushes." If there is no further debate, I will put the question on Clauses 28 to 30.

QUESTION PUT: AGREED. CLAUSES 28 TO 30 PASSED.

CLERK: CLAUSE 31 -NOXIOUS RUBBISH NOT TO BE THROWN INTO DUSTBINS, ETC., NOT TO BE DISINFECTED.
CLAUSE 32 -PROVISION OF MEANS OF DISINFECTION.
CLAUSE 33 -EXEMPTION FOR PREVENTION OF DISEASE.
CLAUSE 34 -REGULATIONS.
CLAUSE 35 -DEFINITION.

QUESTION PUT: AGREED. CLAUSES 31 TO 35 PASSED.

CLERK: CLAUSE 36 -POWER TO MAKE REGULATIONS.
CLAUSE 37 -PROHIBITION OF TREATMENT BY UNQUALIFIED PERSONS.
CLAUSE 38 -PROHIBITION OF UNAUTHORISED ADVERTISEMENT.
CLAUSE 39 -POWER OF SENIOR MEDICAL OFFICER OF HEALTH TO APPROVE PROPOSED SWIMMING POOLS.
CLAUSE 40 -SENIOR MEDICAL OFFICER OF HEALTH MAY ORDER CLOSURE OF SWIMMING POOLS.

QUESTION PUT. AGREED. CLAUSES 36 TO 40 PASSED.

CLERK: CLAUSE 41 -POWER TO ENFORCE ORDER CLOSING SWIMMING POOLS.
CLAUSE 42 -PENALTY.
CLAUSE 43 -DUTY OF THE SENIOR MEDICAL OFFICER OF HEALTH.
CLAUSE 44 -OBLIGATION OF OCCUPIER OF PREMISES.
CLAUSE 45 -POWER OF CHIEF ENVIRONMENTAL HEALTH OFFICER TO REQUIRE ACTION.

QUESTION PUT: AGREED. CLAUSES 41 TO 45 PASSED.

CLERK: CLAUSE 46 -APPEAL TO SUMMARY COURT.
CLAUSE 47 -REMEDIES FOR FAILURE TO COMPLY WITH NOTICE.
CLAUSE 48 -ADDITIONAL POWERS OF CHIEF ENVIRONMENTAL HEALTH OFFICER.
CLAUSE 49 -RECOVERY OF EXPENSES.
CLAUSE 50 -REMOVAL OF HOUSE REFUSE, GARBAGE, ETC.

QUESTION PUT: AGREED. CLAUSES 46 TO 50 PASSED.

CLERK: CLAUSE 51 -GOVERNOR TO MAKE REGULATIONS.
CLAUSE 52 -REMOVAL OF TRADE REFUSE AND GARBAGE.
CLAUSE 53 -REGULATION DUSTBINS.
CLAUSE 54 -PROVISIONS AS TO DEPOSIT AND DISPOSAL OF REFUSE.
CLAUSE 55 -POWER OF GOVERNOR TO MAKE REGULATIONS CONTROLLING TRADE EFFLUENTS.

QUESTION PROPOSED:

MR. BENJAMIN BANKS: Mr. Chairman, this is just a comment Sir, section 53 (1) where the person is obligated to maintain in good order and condition his dustbin which he is required to provide. I would hope that some effort is made by the collection department to see that they do not destroy these or attempt to destroy these as quickly as they can as appears to be the case now.

HON. TRUMAN M. NODDER: Mr. Chairman, I take note of that, and I will pass it on to the Department

QUESTION PUT: AGREED. CLAUSES 51 TO 55 PASSED.

CLERK: CLAUSE 56-POWER TO MAKE REGULATIONS RELATING TO CEMETERIES AND CREMATORIA.

MISS ANNIE M. ROBINS: Mr. Chairman, I suppose this is a personal thought, but I do not like the idea of burial of human bodies at sea, I think it is terrible.

MR. CHAIRMAN: I think we have got the other four Clauses to call first then the Lady Member can make your point.

MISS ANNIE M. NODDER: We only had one instance of it that I heard about in my life time and it was not very pleasant, the thoughts because evidently they did not have the proper facilities to do this burial at sea. I think we should include here that if they are going to bury at sea they should have the proper facility, a steel casket or whatever is necessary therefor.

MR. CHAIRMAN: The Clerk will call the other 4 Clauses, then we will debate the 5 Clauses.

CLERK: CLAUSE 57 -EMERGENCY POWERS OF CHIEF MEDICAL OFFICER.
CLAUSE 58 -PROCEDURE.
CLAUSE 59 -CONTINUING OFFENCES AND PENALTIES.
CLAUSE 60 -RESTRICTION ON RIGHT TO PROSECUTE.

MR. CHAIRMAN: The question is that Clauses 56 to 60 to stand part of the Bill. The Lady Member has commented already on Clauses 56.

QUESTION PUT: AGREED. CLAUSES 56 TO 60 PASSED.

CLERK: CLAUSE 61 -COSTS.
CLAUSE 62 -RECOVERY OF EXPENSES.
CLAUSE 63 -POWER OF ENTRY.
CLAUSE 64 -POWER OF MAGISTRATE, ETC., TO GRANT WARRANT.
CLAUSE 65 -NOTICES TO BE IN WRITING; FORM OF NOTICES, ETC.

QUESTION PUT: AGREED. CLAUSES 61 TO 65 PASSED.

CLERK: CLAUSE 68 -OWNER OF PREMISES WHO NOT TO BE OTHERWISE DESIGNATED.

CLAUSE 67 -SERVICE OF NOTICE, ETC.

CLAUSE 68 -INACCURACIES IN DOCUMENTS.

CLAUSE 69 -PROTECTION FOR PUBLIC SERVANTS ACTING IN GOOD FAITH.

CLAUSE 70 -PENALTIES.

CLAUSE 71 -REPEAL OF LAW 21 OF 1974 AND SAVINGS.

QUESTION PUT: AGREED. CLAUSES 68 TO 71 PASSED.

CLERK: THE SCHEDULE.

QUESTION PUT: AGREED. SCHEDULE STAND.

CLERK: A BILL TO PROVIDE FOR THE SAFEGUARDING OF THE HEALTH OF THE PEOPLE OF THE CAYMAN ISLANDS AND FOR PURPOSES CONNECTED THEREWITH AND INCIDENTAL THERETO.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings on a Bill entitled 'The Public Health Law, 1991', and also proceedings in Committee. The Assembly will resume.

HOUSE RESUMED

COMMENCEMENT OF DEBATE ON THRONE SPEECH AND FINANCIAL STATEMENT

MR. PRESIDENT: The first item on the order paper as the Clerk has announced is the debate on the Throne Speech and the Financial Statement. We can proceed with this debate now, there is probably time for one speech before lunch, or if members wished I could suspend and we could start the debate at 2:30pm.

Does any Member wish to speak before lunch?

MR. CRADDOCK EBANKS: Mr. President, I would move that we adjourn until 2:30.

MR. PRESIDENT: If that is the will of the House, I will suspend proceedings until 2:30 this afternoon.

HOUSE SUSPENDED

HOUSE RESUMED AT 2:17 P.M.

DEBATE ON THE THRONE SPEECH AND THE FINANCIAL STATEMENT

MISS ANNIE HULDAH BODDEN: Mr President, I am disobeying the orders of my supporters by starting off on this debate because I had promised them faithfully not to speak first and give my opponents the chance to shame me like they always do. But, I am here to start since they are all cowards and afraid of something I do not know what, but I am not a coward so I will start off. But I am disobeying the orders of my supporters very much so.

Now, Mr President, first and foremost I would like to congratulate you on your well thoughtout speech. I must say it has taken a great deal of time, energy and thought to prepare, but I do not agree with all of it Sir. I would agree that 1969 was a most tremendous success financially. Oh, yes, we had dollars and cents at our command, but Sir, the moral fibre of our country has gone so low that dollars and cents will never regain it. Mr President, as an attorney-at-law, I suppose the most humble one in the Cayman Islands and elsewhere maybe; I abhor the fact that dollars and cents mean so much. Principles which we have cherished, held in the highest esteem, have been forgotten. The moral fibre of this country is so low today that I shudder to think what will happen if the world endures another twenty-five years in Grand Cayman.

Mr President, the fact that all the better class people, who I term better people or better class, are people who should have a livelihood and live by christian standards. Their behaviour is so bad, their home life is so broken that we are going to be like Rome. We are going to fall from within. Whom in the matter of a day or so in my office, I get three or four applications: Will I take a divorce for so-and-so? - I said, "Not me, I do not deal with divorces." "But will you please listen to my case?" I said, "Sure and if I can be of any assistance in putting you in the right track to keep your family life together I shall do so." Well the complaint is more or less this way. "My husband, when we are poor, he stayed at home every night, he attended to his duty as a husband, he helped me take care of the children - now he has got so much money that every prostitute he meets on the street he takes as his companion." I say, "Lady, well God never provided me with a husband, but if he had, he was my husband or he was not my husband and I prefer a drunkard any time to one that carries on how you say your husband is carrying on." Well, she said, "Well, what are the advantages of my getting a divorce?" Well I said, "Lady, according to this new matrimonial law which was in this house and had only two opponents, Annie Bodden and an honourable man from West Bay, you might get half of what your husband possessed since you married him. But, on the other hand if he had accumulated his wealth before he married, you will not get anything." Well, she said, "In one instance my husband is now telling me I can have the ordinary family home, but he is building a four hundred thousand dollar house and he says that I am not going to get any of that." Now I said, "You take my advice lady, hold on to your husband until that four hundred thousand house is finished and then you can get half of it."

The next one says, "My husband, when he made fifty dollars a week, everything was going fine. But now he is making four or five hundred dollars and does not give me any more than he did when I was getting only fifty, so I am at a disadvantage." I said, "I tell you lady, hold on to him and bring him to trumps. Let him get his pay and demand that you get at least half of it."

Now that is the story I hear almost every day, but I refuse to take divorces because, Mr President, anytime the moral fibre of a country goes and homes are broken up and men are living this kind of way like I understand they live, I do not know. But anyhow we are in for trouble.

MISS ANNIE HULDAH HOUSEN (CONTINUING): High ranking officers, Sir, are playing this game and I think it is time that instead of legislation for it to prevent like the voice and things like that, there should be a law enacted that men, at least, if they are going to be unable to marry a woman, they should stay with them and produce children that those children should be well taken care of. But, Mr President, prosperity has ruined our country to the extent that people have no morals left.

Mr President, I believe that the year 1960 was of significant growth for the Cayman Islands. We enjoy a fantastic amount of wealth, and thank God that we are able to cope with the situation, but the construction business, as far as I am concerned, we should stagger that construction over a period of time. So much done each year, so much done next year and so on that we can keep that all times we shall have some amount of money coming in and not everything consumed overnight.

I will agree Sir, that it is a God-send - it is not the work of the twelve people sitting here that has brought this boom, it is because we have in the past had a good stable, christian Government and if we could only bring that back to our shores where God is put first, we would not only have financial prosperity, we should have moral prosperity and everything that follows it. Because if those of us who read the bible know, that in one part of Proverbs it says, money answereth all things. In another portion of the Bible we read the love of money is the root of all evil, well unfortunately we have got to love money and we believe that it can answer everything.

Well I am going to tell you two things, Mr President and Members of this Honourable House, that money cannot buy and it is a happy homelife, peace in your soul and also all money cannot buy a ticket to heaven. It can buy you a ticket anywhere you want to go, but not to heaven. So I want it clearly understood that while money is good and helpful and we cannot hardly live without it, there are things that mean much more than money.

Now I am very sure that we are enjoying prosperity from these banks and trust companies and all the rest of it which has increased so tremendously over the period of time. And I will say, Sir, it is due to our having a good, stable, upright Government. But, on the other hand if we are not too careful we can lose out and one fault that I have against all of us in this style we have of bragging. Dear God, when we look at the headlines of the Compass last week, I think it was, thirty-nine million dollars to be spent! Is not that fabulous? Well, I remember in the years 1932 we had five thousand pounds, Ten thousand dollars. And we should be so thankful that God in his infinite Providence has brought us to the place where we can have money to spare. Nevertheless, we must handle that money carefully because, Mr President, as sure as there shine from heaven that hard times follow prosperity. Those who read the scriptures know the story of the dream of King Pharaoh and how it had to be interpreted by Moses. He dreamt that there were seven years of good times, plenty corn, plenty cattle on the banks of the Nile. And then these lean ears of corn sprung up and these meagre cattle, and what did Moses interpret that dream to mean, but in the days of prosperity prepare for the days of adversity. And that is a lesson that we as Caymanians better learn now. We have prosperity. We have got to prepare for adversity.

It is most gratifying to know how everything seems to be prospering. But, Mr President, sometimes we are tested to see what use we can make of the good things we can get and unfortunately I am sure not everybody is considering it in that light.

We have tourists arrival which is a great asset to our country and when I hear people say that tourists have degraded the morals of this country, it is not correct. If we were not weak, we would not have to follow tourists or anybody else. We must live by a standard. I remember the days of World War number two. The American navy came here. Some of those men looked like they were made from marble, bronze gods, and all you could hear these Americans are going to spoil Cayman women, they are going to do this, that and the other thing. Mr. President, those who looked on these people as human beings who had come here to serve, they were treated as brothers and we had a lot of good results from them. Those that had bad ways, we did not copy, but the modern trend now seems to be that everything somebody says we must follow. That is not the way live. If a tourist comes here who is not up to scratch, we should try to avoid following their ways and try to live a good, clean, upright life. It is really great that we have such provision made that we can get money so easily. The things that bother me, Mr. President is this, that

MISS ANNIE HULDAH BODDEN (CONTINUED): apparently we are not getting the proper accommodation for these tourists who come here. We should go about and have a large hotel built that can accommodate people, one that is properly maintained and one that any Island should be proud of. I am sure, Sir, the Government would not take such a venture on themselves, but instead of all the little condominiums, that they put them, with houses stuck up in the air and not a piece of land that you can even plant a garden - that is not what we need. What we need, Sir, is to have proper housing for these tourists, but we should have it in the form of an hotel. That in my opinion and we would serve a much better purpose than we are doing now.

I will agree, Sir, that Geor e Town Port, because of the boom construction, has been a very quiet thing. But, Mr President, have we ever stopped to think that unless this past Government, of which I was a part, had the foresight to create that dock, that we could not enjoy what we are enjoying today. Just imagine if these Airplanes had to be dragged over that foreshore as in the old days. But, we have had the instinct, the foresight, to get a proper port in George Town, and I feel Mr. President, that instead of criticising those who were responsible for it, we should go on our all fours and thank them for their foresight in having such an establishment.

Then this beautiful Parliament Building and all the other things that were done in the past - just think what they would cost today. I am sure that a building like this would cost at least one and a half million dollars. And there we are with this accomplished, the Glass House, as it is termed, the roads and all facilities and they were built on practically nothing when we think of the figures we have presented before us now, $60 million. Well if anybody had told me, when I was fifteen years of age, that we could ever even have about $40 million - much less to have to spend - I would have thought they were what these people call me, a crazy woman.

The growth of revenue is fantastic and I repeat, since God has abundantly blessed us, we should take Pharaoh of old's option for the day of adversity.

Now, I am very happy to know that Cayman Brac and Little Cayman have gotten into the time light. But I heard a lady from Cayman Brac say yesterday, 'I wish those energy chaps would go. All they have introduced in Cayman Brac is prostitution and drugs.' Well, if the people there were living by a standard, they could not just bring such things to pass. We must exhibit our stand, but if we are blown about by every wind and doctrine that is different every.

I feel Sir, that that was a blessing when it was decided by Cayman Energy, or whoever it was, to have this facility in Little Cayman, it was God's answer to prayer because Mr. President, while the other Government were fairly good some of them, they did not have much regard for those smaller Islands. They said Cayman Brackers are rich, they have all the money. What we have here belongs to us and that was the wrong spirit.

Now, I must say in the past ten years they have changed their minds somewhat and I am glad that Cayman Brac is able to have its own money. In fact when they were talking about breaking away, they said we will keep all our money up there and let Grand Cayman do what they want with what they get.

They have progressed with the construction of the freight shed and the extension to the airport which are all necessary, but I am sure that Cayman Brac is not happy with this little plane. They want what we want, the best. And I hope and pray in the near future that their wish will be accomplished.

Now Mr. President, I still think that it was very selfish, especially on your recommendation, that Cayman Brackers did not have a representative in the Exco. I am very sure Sir, that I was one, there would have been a couple more, who did not have that aspiration to get in the Exco, but everybody thought they would like to get close to me. My handicap is Sir, I cannot drive a car, I do not like to fly and I am very content to fill a humble space. But, the majority, everybody wants to get in Exco. But I feel Sir, that it was very selfish on our part not to allow Cayman Brackers to have that privilege. It was, I think, cowardly, just because we believe

MISS ANNIE WILDA DODDY (CONTINUING): we are head, the elder sister, that we should push these small ones down. That is not the spirit Sir. The spirit is to do unto others what you expect them to do to you.

Now Mr. President, while I am on the matter of this Election, I must say Sir, that I was not very happy about it, because means and ways were used to distort the whole issue. I, in my campaign said, Mr. President, whether or we I suppose will get back and it was up to us to try to work and live in harmony. But, Mr. President, that was not the general feeling and everybody was against the other one, Unfortunately, abusing them, doing everything that was not right as we as civilized people should know that there is a time to be honoured and a time not to be. If I had not got back in the Assembly, perhaps I would have been much happier, but since God put us back there I am there to stay, but Mr. President, the abuse that I got, it is terrible and I say I have such a bad temper. Well I must say Sir, my temper must be fine because yesterday morning I was ridiculed and in the afternoon doubly so by two little women I call them, little up-start women, who come and threaten to beat me. Now would you imagine they had that nerve, a woman of my size and strength to talk about beating me, and if they could not do it, they would send their husbands.

Well, Mr. President, I have been on my own all my life and I did not take the time as most women did in my day to search around and get a husband and God never provided one for me so I am very happy in my state of affairs. I have no envy against anybody who has a husband or whatever they have because God has abundantly blessed me. I can earn a living, I can stand up for my rights in some instances, but I certainly resent the hatred that is exhibited towards an innocent woman. And I mean that alone. I leave it to God because he has a law called retribution, and anytime we do wrong or good we get paid. So I just leave that in His great hands.

Now Mr. President, the Police Force. I must tell you Sir, I am not very happy with the Police Force because I feel Sir, that they too are biased. Now when we were campaigning there were some awful threats made against us and when we called the police they came there and said they could not do anything. One instance, they said they were going to shoot Berkley Bush and myself and him with called the police and what did the Officer in charge say to her? They said to her, the police, "you come and answer this damn woman to keep me from carrying her out." Now Mr. President, that was very rude and it was uncalled for and I am sure they were told to say that.

On another instance, a policeman did something that was not right and a lady came to my house before I got out of my bed..... Saturday morning complaining about what this man had told her and I called a Head Officer and I explained that this woman was making a complaint. Well the mother of the policeman was a friend of mine and I told the lady not to bother to go to the police, I would try to calm it down. What did that police officer do, he told the young man what I told him and consequently I had to fine a man. Now that is not right Mr. President. If we have police officers and any citizen is good enough to report a matter, I think it should be treated in confidence and not the person exposed and maybe get into trouble. So I promised in a fit of temper, if I heard George Town was burning I would not report it. Of course I did not mean it. I meant it when I said it but I do not mean it now because the duty of every citizen is to protect everything that we hold dear to us regardless of personal hurt.

Now the Prison Service. Mr. President, I would love to see that we did not have to have a prison built because I feel that we, if we are doing right, would go about in such a way that we would not have found it necessary to have a prison. Nevertheless, since people will not behave, they must be confined and put out of the way for the time being.

I have mixed opinion that we should export our prisoners to Jamaica. I mean the very fact that they have done wrong, and all of us have done wrong some or some we come way or another, they should be treated more as human being and I am glad to know that we have now a prison where they can be taken care of, where their families can visit them and they can maybe start on a new life.

MISS ANNIE HULAH WILSON (PCP) (NOMINATED): One thing that alarms me terribly is the matter of the drugs. I feel Mr. President, that we are being used as a trans-shipping port for the drugs and I do not feel Sir, that we are doing all that we can to prevent it. Now a man told me some time, a couple of months ago, that when this case of the "Dreamer's Dream" was going on he was in Miami. Monday morning he got in a taxi, I think he said to go to the dentist, and the taxi driver said to him, "I know you from Grand Cayman." He said, "What do you know about Grand Cayman?" And he said, "What do I know, I know more than you think. There is a case going on there now, there is a shipload of marijuana worth $6 million, but it has been arranged that the crew will be acquitted." Well the man came back to Grand Cayman and he said when they were acquitted two days after, he nearly dropped. And he did not tell me alone, he said it publicly on Cardinal Avenue.

Now Mr. President I would not know who was making such arrangement, but I feel Sir, that we must have more vigilance and see that these racketeers are not given the privilege to hire these high-falutin lawyers and get by because the least little technicality. I am lawyer enough to know the prisoner always gets the benefit and I say we should pour our laws and we should have everything so concrete that they cannot go there with any smarmy story and get by.

Then there was the case of the matchbox at North Side. I feel Mr. President, that was very poorly handled. What I am saying is this that if I do a big crime, I should be punished big. If I do a small one, I should have a little compassion shown. But, I am saying that we must, as far as possible, eliminate drugs from our country.

Now, Mr. President, I am very pleased with this department of Broadcasting. You will recall Sir, that when it was mooted there was a lot of opposition. They did not want any foolish broadcasting and this BBC stuff, it should be cut out. Well, I feel Mr. President, that was wrong. We have gone with progress and a broadcasting station was a necessity.

Mr. President in World War II we had no broadcasting station and two people, who should be honoured but have been forgotten, was the Honourable Second Nominated Member's father and Mr Clarence Thompson. They had to ride bicycles in hurricanes and everything to get to that station to get a little bit of news. They have been discarded, no one even remembers their services and I am saying Mr. President, that we should be proud that now we have our own broadcasting station. In these early days had it not been for the Cubans, we would have been swept off the world by a hurricane we would not even know because we hardly even had radios. But we have progressed to the stage where we have our own broadcasting station.

Now, I will agree, Sir, that more or less it is under some tension that it cannot broadcast all it should because for instance in our campaign they would not say a word about us, except we paid for it. They would not broadcast our meeting, they had nothing. We were just sort of pushed aside. I did not agree with that, but nevertheless, if they thought that we were so little account that they did not have to say anything or that we were no use of making the grade they did not bother. Nevertheless, that station should be for one and all. Our money built it and I feel there should be no preference shown to anybody regardless of colour, class or creed.

Now, Mr. President, the Immigration Department. I cannot really see why we should be so harsh on people who come here to try to serve us. In this last election, Sir, they said the only ones putting me in were Jamaican niggers and Limies. Well, I say Jamaican niggers and Limies and good Caymanians had good sense, but I feel Sir, that if these poor Jamaicans come here and behave themselves that they should be given some little priority. Now I said behave themselves. I do not mean if they come with their pack of gangs and organised shoplifting, we do not want those kind of people. But there are people who come here, maybe on the verge of starvation, and if they can get a little job to do a little plastering and thing, I do not think we should be so harsh on them.

MISS ANNIE HULDAH BODDEN (CONTINUING): Mr. President, it is only very recently that Caymanians have learnt to plaster walls. They could build houses from the lime kiln but when it comes to cement work they knew nothing about it. Jamaicans have taught them bricklaying and plastering and all the rest of it and if people come here who are well behaved and try to seek a little employment, we should not be too harsh on them.

Now I am not saying we should let any and everybody come in, but citizens who are trying to get a livelihood and behave themselves as they should, we should not be too harsh on them.

Now Mr. President, I got rubbed up in the last debate I had and I am sure I will get it this time but my nobody else would start, they want me to start first on anything I said that was not right up to scratch they could pick on. Well, I am saying Sir, that we have a fairly good grade of Civil Servants and I repeat to you Sir, that without a good Civil Service, our country cannot go forward.

Now, Legislatures are good in their place, banks are good in their place, shopkeepers are good in their place, but we have to have a Government that is ably run and we need people who are dedicated to this job and I feel Sir, that we should encourage these Civil servants, those who are doing their best. Now I will admit Sir, that some of them are obstructionists. Nevertheless, I feel that with proper discipline and a proper oversight on the part of their Women or their Heads of Departments, they could do a better job.

I do not agree that we need anymore Civil Servants presently. Maybe the Customs, maybe the Police, maybe even the Post Office need a few extra ones. But we do not want to overstaff the place with people just to say they are working or pretend to be working and not doing the job. We should have a proper investigation each of people who are doing a good job and we should keep them on. I do not say to fire anybody. Give them a chance, but let them know their duties and let them work well.

Mr. President, I feel that Caymanians, if they will try they can do a job. Now in these modern days when there are so many facilities offered, so many scholarships given, they have better opportunities than those of us in the past. But the unfortunate thing is this Sir, that we will send a man or a woman abroad to be trained as a lawyer. When he or she returns, instead of being put in a Department where they continue on, we would perhaps would put them in the Land Office or the Customs. That is not the right thing Sir. If we first should a man or woman to be trained in any particular field we should put them in that field that they can grow from strength to strength.

Now we have had some very able people including my friend from George Town who was not treated right and I refer to the very opening of this Building Sir, he was not privileged even to sit here because somebody did not like him and this is not right. We had another able man, Mr Hunter. He was not allowed to continue. Now I know there was more money on the outside, but I feel Sir, that they have contributed on being on the outside to the good of the country But the Government would be better equipped if we had Caymanians who can take the job.

Now, the Legal Department has done a tremendous job. One bill they passed I did not like and that was the one this morning. I did not like that. I did not like the Mental Health law. But on the whole they have done a good job.

The eighteen laws passed during 1961 were helpful in the Government. That is a great job Sir. We have passed some very important bills and bills which will redound to our good, but Mr President one thing that alarms me which I should have said before is this. I asked the question to that effect, but I never got an answer. I do not know if it will come or later. And it is this that we have on our Islands some highly qualified legally trained men. I have had complaints on several occasions that these law firms have not had the privilege of knowing an officer who leaves their or getting more to cope with the work Sir. That is not right Sir. We depend on this law firms as something to get us money and if the work do work that these firms need to have extra lawyers come from anywhere to do the job we should not say they cannot get a work permit. It is not right and I feel

MISS AMIE HOLDAN HOUSTON (CONTINUING): Sir, I will humbly ask, that you will deal with that because that Protection Board is good in some instances, but irresponsibles exist. And we do not want personalities on any of these Statutory Boards. We want people who will serve this country to the last, and not for monetary gains either. For the love of the country, that is what we need Sir.

Now Mr. President, Finance and Development. Now I am very happy to see that we have such high aspirations to spend $40 million. And I am saying we cannot afford it at this stage. We should spend just the amount of money as we are sure we shall have revenue to offset it. Mr. President, we must remember Pharaoh's dreams. There will come lean years and if we spend all our money and we have to go begging and borrowing, where will it all end. Let us take care while we have the money.

Now I agree Mr. President, that the establishment of a Domestic Fire Service is a godsend. On the 3rd of May this year gone, my house caught afire and if I had not been a christian and walked out to put that fire, I would have been homeless. But I do not know if I prayed - I think I screamed and God answered my prayers and the fire went out. The Fire Service did come, but God had already put out the fire and I feel that is a necessity Sir, because houses get burnt down now very easily with all this electrical equipment and a fire can start anywhere and that is a necessity in my opinion.

Now, this Trade and Business School, I quite agree with provided you can get the scholars. And this Agriculture Industrial Board I feel that is also a necessity. At Cayman Brac we should get this Administration Building which I feel is a necessity also. The extension of this runway at Owen Roberts Airport is a good thing, but Mr. President, we should try to get a proper terminal whenever we can get the money because I understand from very reliable quarters that some part of that old shack might eventually crumble down and I feel that our dignity depends on it that we should have a proper place to receive these incoming people. And what of the first impression they gain if we have an old shacky airport they might think that the rest of the town is shacky. So I feel that is a necessity.

Now the Middle School. I believe in education, but I do not know too much about that so I cannot comment on it. One thing I want to speak about is the hospital. Now Mr. President, I feel with all due respect to the man in charge, we need some things done at our hospital.

Mr. President, there is a lot of discard there. A lot of properly trained nurses have left and I was told, now I am not saying it is true Sir, but this is the information that was brought to me as a Legislator - not as a gossipmonger, but as a Legislator, that there is one nurse at the hospital, I think they say she came from Honduras. Her adopted mother whoever she was, changed her; she had a puppy and she gave the mother the puppy and the mother gave her the child and the child came here and she could not even speak English. Now she takes charge of the hospital. She is the most abrupt inhuman person you could find. Now I feel Mr. President, that if we have hospital policies, we must take these people and let them know that they have to be kind and considerate to their patients because I know from experience that one harsh word when you are sick is like a sore in your soul and I feel that we, who are paying these nurses regardless of where they come from, they must treat their patients how they should be treated. The doctors, I understand, some of them are good, some are bad. I know you can name please Caymanians. If we had the greatest surgeon in the world, there would be somebody that would find faults in him and we should be grateful that we have got a hospital such as it is with doctors running it. But there is one thing that is lacking Sir and it is this. We should have a doctor stationed in that hospital twenty-four hours a day in regular shifts, because a lot of people complain that people go there and the nurses administer drugs, and before you turn around the patient is dead and the doctor never saw them. And I feel that is not good enough.

MISS ANNIE MILDRED BODDEN (CONTINUING): Now I cannot say enough praise for the Mosquito Control. Mr. President, when you said that in the olden days there were 100 where there were only 3, I think you made a mistake Sir. At least there must have been 10,000 because if you had been here in 1946, the year after World War ended, you would have discovered you could not breathe. Mosquitoes were eating you to death. And that is a godsend. And I feel we should not sacrifice any expenditure to keep this project going because our economy depends on this, because if tourists ever come here and find mosquitoes like they were in 1946, the plane would not even land, they would continue and go about their business.

Now it is good that we can get some small loans from this Caribbean Bank, but Mr. President what we have to insist in these Caymanians is this. That if the day ever arrives that we cannot supplies from abroad we would starve to death. In olden days every family had a little ground. A little provision ground of some kind. When the breadfruits were out of season you could always get a little cassava or something to cook. Now that is not high tone enough. People are afraid to dig the soil and we should get back to these days. I remember the Cayboss days Sir, the Cayman Brac people would ship down white yams by the thousands of pounds and I do not see any coming from Cayman Brac. Evidently they do not farm anymore.

The Land Tribunal, I would say, has done a good job. Fairly good. But I am a bit disappointed that one grown man who was there has been transferred to the Glass House. I do not think that is just the right thing Sir. I think he would serve better where he was originally.

Also Mr. President, I am not satisfied with the Planning Department. I do not think that we should have taken off the Planning Department people who knew actually what planning means. And that is one thing that I have against the person that be. I do not know who they are exactly, but that, for instance, because I was not on the Unity Team or was not on some other team - if I was serving on a board and I did not give them a vote or say anything against them, I was chucked away. That is not right. I am referring especially now to Dr. Manner, who is a qualified man, and I understand he was on the National Board or whatever name it is. He has been chucked off. He was on the Planning Board. He has been turned down. And it is all because he supported my colleague here. That is all it was and it not right. It is not right. You must give honour to whom it is due regardless if they agree with us or not.

Now Mr. President, I was somewhat alarmed to see in this Compass, although they say you cannot go by anything that is written here, these planners put on the hospital. Now if anybody in any unfaithful with whatever is going on at the hospital, why cannot they make a complaint to the proper authority and take it to the Complaints Board and have the thing aired. Why go to this unruly way and stick up all this stuff. That is not the way to do things Sir, and I feel that whoever is responsible, they should get the $5,000 fined or put in jail because if things are not right at the hospital they should be corrected in the correct manner. If any doctors there are not doing their job, at least they can be disciplined or they should be. The whole trouble is Sir, that people are afraid. They are afraid to do what is right and that is not good enough.

Nurses have left the hospital, qualified nurses I understand for various reasons. Why does not this Investigation Board or Complaints Committee, whatever it is they call it, go and take a day or two, search out and see what is wrong and have it corrected. Mr. President, while I do not believe in witch, nevertheless, there must be something to it because why are there to correct it. I have heard that nurses at the hospital have to stick garlic in their shoe bottoms to keep them from getting shocked. I know that is foolish, but that tells you how stupid things are there and how ignorant some of these nurses can be walking about with garlic stuck in their shoes to keep from getting shocked. I think that we should have this investigation board do the job and while it sounds foolish and laughable, it is nevertheless on the street. Then there is another complaint made to me that they have some substance up there, all you have to do is to spread it on the telephone, and it can give you bowel failure from which you will never recover.

MISS ANNIE HOLDAS BODDEN (CONTINUING): Now I am not saying that these stories are true. I am only telling you they are the complaints I receive and feel Sir, that this Committee, whatever they comprise of - I know Captain Bodden is one, that he should have an investigation made. I do not know who-have-you-are it, but I suppose there must be one, if not, they can make one. But we must have that hospital in a sanitary, good working condition. I was also informed the other day that there was an emergency operation to be carried out. Not a drop of water there. One doctor had to go home and get the plumbing supplies to fix the water so he could have the operation. All of that is not good enough. That hospital needs proper attention and attention right now.

Now the Education System must be progressing, but I feel Sir, that with all the opportunities given that the children are not functioning like they should. I understand that the food there is a problem because I understand that for the money they are not getting the proper diet. That also, I should say, calls for an investigation.

Now Social Services in this Island, Mr. President, they are good, but we must not have this Island made into just a state where everybody wants something for nothing. Let people get out and work sometime. Let them use their authority, let them use their mentality, let them use their hands to provide the necessities. They cannot expect Government to do everything. Government, I think, has gone a long way in helping fortunate and unfortunate and I feel that we should see that people who can really afford it, pay their money for themselves. I agree we need that Old Peoples Home. I agree we need a school for the handicapped. We need a girls' home, but on the other hand, why do not people try to help to get something for themselves.

We hear now everybody wants a running water and Mr. President, for years we had to bank water from our cisterns and well. We could not afford it, we had to do without it. But now everybody wants everything at the expense of somebody else. Let us try to be self-supporting and have some thought that others need too.

Mr. President, Tourism Aviation and Trade. Now I am saying, I have always said, I will always say, that we need an air service of some description. When LACSA was on the job, I said that all we want is dividend was a service. Well that did not suit everybody and they finally got rid of LACSA. But I am saying Sir, that we must have an airline, but what I not happy about is this. If we need an air service, which I say we do, we should have that air service run so efficiently that we should know at a glance if we need $1 million a year subsidy, $2 million, half a million or what, we should not have to wait for months to dig out and find out what is what. I cannot agree that aeroplane accounting is any different from everything else. And one thing that comes me to this. Now I could be wrong, but I understood when this came up, Air Holding Company was formed, that they were the ones responsible for this $10 million loss. They in turn, whatever the planes they had would be given to the Cayman Airways, who in turn from their earnings if they made any, pay back to the Cayman Air Holdings and Cayman Holdings in turn pay this debt. Now Mr. President, I am saying this most respectfully that the service is necessary and if 150 people can get jobs, let them get it because I feel that people need work. But let us not sacrifice. Let us not drain every cent in the treasury to keep an airline running for prestige. Let us not do that. And then Mr. President, I have some complaints about two of the members of that airline, who when they should have been attending to their business - what were they doing? Going to Monkey Town and telling people that I hated niggers to keep me out of the election. All of that stuff, they did not do their job. They should have been studying their plans work and getting those accounts ready instead of campaigning against me. But I mean all that is in the past.

Now the Marine Training School is a good thing, but Caymanians are born mariners and with this experience they ought to be better still. One thing I have against this Marine Training School is that I have a piece of land at Rankin's Canal and they have completely destroyed my coconut trees by tying their boats on to it and leaving them there. I wrote, but they did not do anything about it, but still if I contribute that much to it, I am satisfied.

MISS ANNIE HOLIDAY HUDDEN (CONTINUING): Now housing is a difficult question. Housing is an essential thing, and I feel Mr. President, if we could get more land and the Government could get some money and build some simple houses for people who come here to help us, we would save some money. But I do not know how that could be done. In any case I am asking you Sir, with your good influence never to let any of this Government or any other people use our Seven Mile beach, the little piece that we have left there. The Public Beach, let that remain without any housing put on it. Now I will be very alarmed if that happened because I feel the people of this Island, the Government owes that much to them.

Now the Public Works Department - I believe they are doing a fairly good job. At least they are better than they used to be, but I cannot tell you they are perfect yet. But I will say this Sir, in a very hasty accomplishment a good job on the roads. I remember, I suppose it was twenty-five years ago or it might be longer, when the road to East End was opened. We happened to drive there and when I got home at three o'clock Sir, I was sick because the roads were so horrible. There were holes that when you went down you never thought you would get up out of it. But we have splendid roads for the day. We could stand some more about lighting and I hope that will come soon.

Now Mr. President, I understand that one day in the near future our Post Office will be removed. I would have Sir, that that will be placed in a locality where it will be easily accessible to the general public. We do not want that put up at Spotts, Red Bay, Hudden Town, North Side, we want that somewhere in George Town and I feel that is a must because not everybody has a car and people have to go to get their mail and buy their stamps to post and I feel Sir, that when this comes about, two or three people should not decide the location. It should be for the general public more or less to have some say in it.

Now Mr. President, I think that I have covered most of what you have said in your speech and with regard to the Financial Secretary I wish to commend and thank him for the efforts he has put into that. What alarms me Sir is he is like myself - getting old. Who will replace him, who will do the job that he doing? Who will do it? Because Mr. President I was impressed with Mr Vassel when he was just an ordinary little boy and he and his family are to be congratulated on the goals they have achieved through hard work and I feel Sir, that he do know I do not know if he calls himself a Caymanian or not, but he do one do our midst that we can be justly proud of. He is so humble, I do not hear him with too many airs and I feel that people like him should have recognition. I will not go too much into his Budget Speech, but I am only saying this I feel, I do not know if he will agree with me or not, that our expenditure should not exceed the revenue we hope to get. I feel that we should, like Denmark, plan for hard times because they will come sooner or later and anything that we can actually do without right now. I would say we should have our budget balancing so that we, in the future, if we need some more money and the economy boom coming in, we can easily get supplementary votes, but for the time being we should curtail our expenditure and keep it on a level where we are able to meet our expenses.

Now Mr President, another thing, I have been termed the opposition leader, which I do not take credit for. I have always been an opposition leader when they were wrong, from the old Government right on down. Anything they did that I thought was wrong I did not go along with them. If they were right I went with them 100%. I suppose Hon. Third Elected Executive Council Member must recall that when he was fighting to get his sump land back I was with him 100%. When they approved the grant of $40,000, I think, to the Turtle Farm I had to go against them. But anytime anyone is right, I am not foolish enough to think that just because I am Annie Hudden that I am right all the time. Other people know better than me in a lot of things, but what I know I am right in, I will not change. But I want to commend them that anything I can do, I will, although they do not like me Sir and I am sure about that, but nevertheless I hold no grudge against a soul. I cannot go on my knees every morning, unfortunately I cannot get on my knees - I have to just bow my head to pray, and ask God to forgive me as I forgive those that hurt me. Now I would be lying and I am not a liar, if I did not pray that God will guide them and keep them on the right track. Thank you.

MR. PRESIDENT: Thank you.
Is anybody ready to continue the Debate?
If not, there is only half an hour before I must announce the closure which is probably not sufficient time. If nobody is ready to speak we can possibly take the adjournment.

ADJOURNMENT

HON. D H POSTER: Mr President, I move the adjournment of this House until 10:00 o' clock tomorrow.

MR PRESIDENT: The question is that this House do now adjourn. All all those in favour please say "aye". Those against "no". The "ayes" have it. The House will adjourn until 10:00 o' clock tomorrow.
I hope we will be able to continue the Debate at 10:00 o'clock tomorrow.

STATE OPENING AND FIRST MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON THURSDAY, 19TH FEBRUARY, 1981

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CBE – PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS M FOSTER, OBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON DAVID P HANNICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON VASSEL G JOHNSON, OBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON THOMAS M BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M WOODHAM | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON HAIG G BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON JOHN B MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

| | |
|---|---|
| MR CARLTON G SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR TALMAIN D EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DENNIS G EBANKS | 'THIRD' ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR NORMAN W BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HEDLAM BODDEN, OBE, | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MARY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR HADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

ORDERS OF THE DAY

FOURTH DAY

THURSDAY, 14th FEBRUARY, 1991

1. GOVERNMENT BUSINESS: -

BILLS: -

(a) The Uniforms (Amendment) Law, 1991 - FIRST & SECOND READINGS

(b) The Development and Planning (Amendment) Law, 1991 - FIRST READING

2. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND THE FINANCIAL STATEMENT

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| Continuation of Debate on the Throne Speech and the Financial Statement | |
| Mr. Norman W. Madden | 6 |
| Mr. Talmain O. Banks | 12 |
| Mr. Duncan O. Banks | 15 |
| Adjournment: | 22 |

THURSDAY, 19TH FEBRUARY, 1981

10:00 A.M.

MR. PRESIDENT: Prayer to be recited.
Proceedings are resumed.

THE CUSTOMS (AMENDMENT) LAW, 1981

FIRST READING

CLERK: The Customs (Amendment) Law, 1981.

MR. PRESIDENT: A Bill intituled "The Customs (Amendment) Law, 1981" is deemed to have been read the first time and is set down for second reading.

SECOND READING

CLERK: The Customs (Amendment) Law, 1981.

HON. VASSEL G. JOHNSON: Mr. President, Honourable Members, I beg to make the second reading of the Bill entitled The Customs (Amendment) Law, 1981.

The objects of this Bill Mr. President, have already been mentioned in the Budget Address as a gesture to assist, especially people in the lower income bracket, to buy the commodities on which it is proposed to reduce or remove duty at slightly smaller costs and it was hoped that even though the consideration was very small, that the merchants would pass on the benefit to consumers. The items are as follows, duty will be removed completely from condensed milk and powered milk. Coffee, which now carries 70% duty will be reduced to 5% and refined sugar which is now 15% will be reduced to 7½%.

This Bill is a very small one Mr. President, and no doubt comments will be made on it during the debate on the Throne Speech and the Budget Address. There is very little more that I can say of the contents of this small piece of legislation and I therefore ask the Honourable Members to give it their kind consideration and support.

MR. PRESIDENT: The question is that a Bill intituled "The Customs (Amendment) Law, 1981" be read the second time. The motion is open for debate.

MR. CAMSTON J. SMITH: Mr. President, I rise to give this Bill my wholehearted support. This Bill seeks to reduce the custom duty on coffee and refined sugar and to remove the customs duty on condensed and powered milk. This Bill I know will be welcomed by all, but there is one thing that has been bothering me some. You remember that we removed duty on certain items and I have had numerous complaints that the public do not feel that the duty we lifted had been passed on to them. So I would ask here if there is any way that we could really make some approach to this to see that the duty is handed down to the public it would be well appreciated.

I thank you Sir.

MISS ANNIE HOLLIS BODDEN: Mr. President, I also support the reduction of import duty on these items as mentioned. Condensed milk, as far as I am concerned now is almost a luxury because in the olden days as I recall, which I am a very old lady Sir, even at that cheap rate we could not afford to buy it. It was six pence a can. Now for the last few cans of condensed milk that I have bought, $1.61 per can is a very high rate and I feel if we can do anything to help the poorer class people, if we want to term them as such, that we should do so.

MISS ANNIE BULLOCK BODDEN (CONTINUING): Also Sir, I really do not believe, as bad as people are, that these merchants will be so cunning, I should say, and so malicious as to hold back and keep the price up when the duty is off. There is only one simple question I would like to ask and it is this. How much duty approximately will be lost in the Customs Department? I am sure it could not be very much, but nevertheless it shows that we have some kindness towards those who are not so affluent, those who cannot get all the necessities. And there are babies and others who use this milk and it will be a help. I must repeat Sir, I do not believe the merchants are that bad and if we did not have merchants after all - you know Mr. President that merchants in the olden days were the mainstay of the Cayman Islands. The Government was never, they did not even have the money to pay the ordinary little £8 or £7 a month they paid. They had to borrow it from Samuel Smith who was a liquor merchant, W O Warren & Co., and Hollingers. And now that we are really up, we should not victimize these people who have helped us this far.

MR. W. BOSMAN BODDEN: Mr. President, this Bill has my wholehearted support as well and I think it is prudent and wise that we consider items of this nature which will in turn benefit many people who are less fortunate. It is my opinion that the benefits derived from this will be passed on to the less fortunate people.

Thank you.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support this Bill. I think it is a good measure. I think any relief that can be given to the less fortunate should be given. But I must say I was a little bit perturbed by what the Member from West Bay has just said. We are one of the largest wholesale merchants in Grand Cayman and I would welcome him or any other Member of this Assembly to come and see the procedure that we go through to determine the costing of our goods. We do not make prices. The merchants here have to import their goods. We are importing daily inflation. I would like to give the assurance to this House that our Company will at all times, when requested, show them the exact way that we price and mark up our goods. I assure this House that on each and every occasion that duty has been lifted, we have passed this on to the consumer. What people perhaps are looking right of - you will have a cargo in today that is costing 1¢. When you order to replace that present item you find that that item has gone up 1¢ or 2¢. On the next pricing it then appears on your costings and you cannot sell below cost or you will not stay in business.

What effect this Bill will have is to stabilize the prices for a period of time, but as inflation increases, the prices must increase and the merchants have no way of recovering this unless they pass it on in the cost of their goods.

Again Sir, in closing, if requested we shall from time to time pass on the costings of our goods to the Financial Secretary who can vet it and make an announcement or show the public of this country that whatever the benefits they have derived by reduction of custom duty, has been passed on to them.

I thank you Sir.

CAPT. MARRY W. KIRKCONNELL: Mr. President, I rise in support of this Bill. I feel that it will be very helpful to my people and I would like to ask this Honourable House, when possible, if consideration could be given to make as most of them are imported by air which, when the duty is paid on the CIF, it becomes very high particularly in Cayman Brac and I was encouraged by the Member of George Town when she quoted the price of condensed milk. I am happy to say it is now being sold in Cayman Brac for 74¢ a can.

MR. HERSCHEL O. EBANKS: Mr. President, I too give my support to this Bill. And it is unfortunate that the Member piloting the Bill did not give the House the benefit of the estimate of what revenue this would be depriving Government of, because I feel that if it were possible to get away from the drastic mentality of this Bill and give complete relief, it would be a better proposition.

MR. HENSON O. EBANKS (CONTINUING): The powered milk and condensed milk are items which undoubtedly are items of necessity and benefit to users. The other two items, I am not sure about. The health benefits - I think we will find sugar is probably much more unhealthy than the raw sugar, but it would have given me and certainly I believe other Members, a lot more comfort in dealing with this Bill if we knew the expected amount in dollars and cents that this would have on the Treasury. Because no one Member has said there are complaints now, at least there is the feeling that people are not getting the benefit of exemption from duty that already exists on certain items and when one considers the positions that have been taken by Government in other respects with relief to the public, one is left to wonder. For example, it is my understanding that medicinal drugs are not carried in very great supplies at the hospital pharmacy and people are required to buy these on the open market at exhorbitant or at least high prices. It would be nice if Government would give consideration to carrying stocks of these where people who are on continuous medication could get them at realistic prices.....

HON. ERNEST M. BODDEN: Mr. President, on a point of Order I thought we were on the reduction of import duty on specific items. The Member is speaking now on the hospital. This surely must be reserved for whatever debate he may have on the Throne Speech. I do not see how it is relevant to the reduction of customs Sir.

MR. PRESIDENT: I think the Member be making the point that perhaps medicinal drugs might also be included. I may be wrong.

HON. ERNEST M. BODDEN: Mr. President, what I would like him to say is that there is inadequate supplies of drugs at the hospital and that is in my opinion subject to your ruling Sir, not really relevant to reduction of customs.

MR. HENSON O. EBANKS: Mr. President, that is purely a reaction on the part of the Member Sir. What I was saying was that they were not carried in sufficient quantities to supply those persons who are on continuous medication. I never indicated that treatment at the hospital was in any way affected.

HON. TRUMAN M. BODDEN: Mr. President, this is precisely what I am coming to. I do not see how a Bill relating to reduction of duty has anything to do with supplies of drugs at the hospital because there is no import duty paid on it. There is no relevance to the Customs Law whatsoever.

MR. HENSON O. EBANKS: It is covered under my general remarks in relief to the public Mr. President. I made the point that I would have been much more happy in debating this Bill if we had known the exact figure that this exercise was going to cost Government. I make the point Mr. President, that I am happy to see the duty removed from powered milk and condensed milk and unless the figure involved is of a substantial nature, it would seem to me that it would be as well that a total exemption was given on the other two items because it is going to create extra work, extra cost and expenditure to Customs and the merchant to calculate these when they are being imported.

Thank you.

HON. G. HAIG BODDEN: Mr. President, I agree with the Bill which has been presented. I must say that I cannot agree with the very last statement made by the very last speaker in that there could be anymore difficulty to the printing clerk in calculating duties at the new proposed rates for coffee and refined sugar.

In these day of computerization and with the easy availability of tabular duty calculation which is available in rate manuals, it is certainly as easy to calculate 5% as 10% and 7½ as it is 15%. Just as a rough example, any person can easily calculate the 1/10 of a cost as he can the 1/20 which would be 5% and so on. However, this Bill, if taken in isolation, would not be as meaningful as it really is. This Bill is a part of a programme designed by the Government which was elected in 1976 and is a continuation by the majority Government elected in 1980. The idea behind this Bill is that as economic activity has increased in these Islands through the introduction of new policies which were formulated by the Government in 1976 and 1980, Government would gain and has gained as has been shown from the records,

HON. G. HLG SOUSER (CONTINUING): substantial increases in import duty and these substantial increases have come to Government from the construction industry mainly and so the import duty on items of food are taking on less significance in the overall millenium and very early in the administration of the 1976 Government, we embarked upon a programme of removing completely or reducing the duty on certain items of food stuff. So the Bill before the House today is a continuation of a policy which had been introduced.

Members will recall that since the years 1976 we have eliminated the duties on saltfish, rice, evaporated milk, fresh milk had been duty free prior to 1976). Then there was quite recently the famous chicken and potato Bill introduced by the First Member from West Bay which successfully passed the House and made potatoes and chicken duty free.

There was the reduction of duty from 22 1/2% on motor vehicles to 20%. Members know that in 1975 the duties were substantially increased on motor vehicles from 20% to 33 1/3% an action that was vehemently opposed by the Bodden Town Members and I think the Holy Member and the North Side Member and I believe two by the First Member from Cayman Brac who were all Members in 1976. And the very first action of this House on a motion made by the present First Elected Member of Executive Council was to reduce the duties on motor vehicles because we knew that heavy equipment necessary for construction would be helped by it. It was necessary to stimulate construction industry. The motor car industry had come to a halt although the duty was increased on 1st January, 1976 on motor vehicles from 20% to 33 1/3%. The records show that during the year 1976 Government obtained less duty from motor vehicles than they had in the previous two years and so that reduction in 1977 on the duty on motor vehicles was simply an exercise to correct a mistake of the 1975 Government and this Bill is a continuation, as I said earlier, of a programme to remove the duty from items of necessity. I could go on and talk about the reduction or the elimination of duty on all agricultural implements which was a part of this programme. I could go on and talk about the duty concessions on raw materials for small industries, but I would be belaboouring the point because it has been well accepted, not only in the Cayman Islands, but in every country around the world that as a country develops and as other forms of raising revenue are introduced, there is less need to collect revenues from essential items of food stuff.

Just to give one example from history, when Canada became a Dominion in the early years before 1900, as much as 99% of the Federal Budget came from taxes levied on imported goods into Canada. Today the revenue from imported goods into Canada be about 2% of the total revenues collected by that government. And while we have not reached the stage of sophistication of the Canadian economy, nor have we reached a stage where import duty can be totally eliminated from all items of food stuff, we have begun a gradual process. Although while it is slow, it has certainly marched without, I can say, missing its step in our budget pronouncements towards the day which the First Member for Bodden Town during his campaign mentioned, he said in one of his more glowing speeches that he was looking forward to the day when the import duty would be removed from every item of food stuff imported into the Cayman Islands.

And the Bill today, which has been presented to the House, is but a small part of a programme which had been initiated by the 1976 Government with the sole objective of removing duty from items of necessity. This Bill specifically deals with the removal of duty from powered milk and condensed milk. These are items that are found on everybody's table. These are items that are in use in everybody's home and they are essential items.

It is expected, as we have heard, that this reduction in duty will be reflected in the price of goods in the shops. But there will not be and there cannot be any substantial reduction in the price because the duty has been removed.

I do not know the price of a can of condensed milk because I do not take care of the family shopping. But let us say, for argument's sake, that the price of condensed milk is 75¢ and that a merchant is making 15¢ profit on that can of milk, gross profit, which would be small to cover his overheads, pay staff and leave a little net profit for him, the landed cost of that can of condensed milk would therefore have been 60¢ and in that 60¢ total cost somewhere along the line he would have paid a 10% to Government for import duties on the CIF value of the item. So the duty that Government would have received from the merchant and which Government will no longer receive from the merchant, is only a few pennies, four cents, five cents, three cents, whatever it may be. So that when the duty is removed from that can of milk, the difference

HON. C. REID HOWARD (CONTINUING): ...on the price on the shelf of the supermarket will be marked in pennies less than 4¢. But what is true as was mentioned by the honourable Member from Cayman Brac, is that this can help to stabilize the price when inflation is pushing it up with every shipment and so it could well be that when the next shipment arrives, instead of the price going up by 4¢ to any minute level. But of course if there is no change in the price, we know that the good merchant would pass on a reduction and the price would be marked down.

The other two items, white sugar and coffee have come in for a little different treatment in that the duties have not been removed completely, but have been cut in half. The duty on refined sugar had been 12¢ and that will now reduce to 7½¢. As the Member from West Bay mentioned, white sugar today heads the list of the ten worst foods the body can take in. It heads the list.....

MISS ANNIE HUDSON BODDEN: Mr. President, I would like to ask if this is a speech on the debate or is it concerning this little minor Bill?

HON. G. HAIG BODDEN: Mr. President, is she taking a point of order and what are her grounds?

MR. PRESIDENT: Is the Lady Member taking a point of Order?

MISS ANNIE HUDSON BODDEN: Mr President, I am taking a point of Order in this respect that we, on this side, if we may one word too much we are quelled down and I do not think it is right and fair for this long elaboration of this Bill, point of Order or whatever it might be.

MR. PRESIDENT: There is no point of Order. There is no rule limiting the length of speaking in this Chamber.

HON. G. HAIG BODDEN: Thank you, Mr. President.

I am discussing the reduction in duty on white sugar. I am not talking about any little nuts or any other treatment matter.

MISS ANNIE HUDSON BODDEN: Mr. President, I object to this "little nuts". I do not know of any little nuts here. I know I am not.

HON. G. HAIG BODDEN: Mr. President, I did not say the Lady Member was a little nut.

Mr. President, may I proceed with my speech?

White sugar heads the list of the ten most unwanted foods according to medical science. Alcohol and tobacco and certain other foods are further down the list. Yet white sugar is found on the tables of most people in Cayman and is an item of daily consumption and because man is a creature of habit regardless of what medical science says I believe the people of the world and Caymanians, in particular, will continue to use white sugar. So this item because it is an everyday item, has been singled out for the special duty concession which is given to it in this Bill.

The other item on which the duty will be cut in half is coffee and here again coffee has traditionally been one of the staple foods of Caymanians. From the days of the sailing ships when men had to stay awake for long hours, they found the stimulating effects of coffee to be useful to them and we have grown up as a generation of coffee drinkers.

We cater to a tourist trade which is made up of a majority of Americans who also love this particular beverage, although coffee is also on that list of the ten most harmful foods to the body. Nevertheless, the point in the Bill is that coffee is considered an everyday food. Today it is one of the highest priced beverages and undoubtedly this reduction in the duty will be welcomed by the consumers.

Mr. President, I do not apologise for the length of my speech on what some people may consider a small Bill. As indicated in the beginning, I see this Bill as a reflection of the overall policies of the present administration. I see this Bill as a useful Bill in combating or restraining inflation.

HON. C. HAZEL BODDER (CONTINUING): Government itself will not be losing a lot of revenue. With the possible exception of the coffee, the other item did not, in the first place, produce any great amount of the sum which is anticipated will be collected this year in revenue. So we feel that Government will be able to make its estimated revenue without having to go back in the middle of the year and put on again the duties that we are taking off today. I highly recommend this Bill, not only for what it does in actual fact to the prices of these items, but also for the overall effect upon the economy as a whole and as a demonstration of the new policies which have come to this Chamber since 1970.

MR. CHADDOCK EDAHL: Mr. President, while I believe in freedom of speech one hundred percent, if the majority do not listen, the minority will.

I remember some years ago in Miami a fellow was standing on the corner hollering out it is impossible to drink Canada dry. He drew the attention of a lot of people, but they did not seem to get what he was saying. The drink is trademarked Canada Dry and he referred to it that it was impossible to drink Canada dry. So there were some people to listen to him.

I have indicated Mr. President, over the years that I intend to do, to the best of my ability, in thinking the best for this country. This Bill is not a new Bill or one for the first time with this request. While a number of the public do express their feeling that they do not get the benefit of this, I am not here, Sir, to contradict that or to press it down or build it up, but the majority of the public fail to realize or to know the whole working machinery of importation.

I believe the items in the supermarkets marked in the lowest prices are something like onions and Irish potatoes. When they are selling for 20¢, 25¢, 26¢, 27¢ per pound and when there is a reduction of 5% on this, the consumers do not see very much. What they seem to think, in my opinion, is that such an item should fall from 25¢ probably to 10¢ or 5¢ and it is just not possible.

When again the importation - one shipment is one price and another shipment is another price and because the second shipment on the same item is up by 2¢ or 3¢, they wonder how this should happen and why this should be when duties have been removed.

I believe, Sir, most of the public lose sight of these small things. I believe, Sir, that the importers attempt to pass on to the consumer these small benefits, but as I said it is not easily seen and they feel that they are not getting the benefit of it.

What I wonder from time to time, Mr. President, about certain commodities in the supermarkets, in the food lines in food stores - one commodity that might have been off the shelves for a few days or a week in all stores, when it hits the shelf, I have seen that, Sir, repeatedly, the same item selling in one store or in some stores is up as high as $3 more. In other words an item might be selling for $5 in one store and it sells for $7 in another store - the same item. That is the one that I cannot quite understand, Sir. And coffee has been one of these things. I have seen it in the supermarkets for $2 and some cents and see it in the next supermarket for $6 and some cents and I have seen it in another supermarket for $7 and some cents - same brand, same weight, same everything. That is what bothers me.

There must be some percentage of mark-up some place considered reasonable and I agree the importer must have a reasonable mark-up to cover his costs and have something to take home.

We emphasize that this be passed on to the public, the most of the low formulas, but it is not that way, Sir. The grass puller that is earning his $50 or $75 a week, he pays for the same item what the man or woman in the high bracket of affluence is paying. So it is passed on to everybody. Do not misquote it as saying the most unfortunate are those who do not have the means as everybody gets the same dip.

If there is anyone getting the benefit of the doubt, the deal, it is those people who have free concession to import into this country who are adding nothing to this Government. They have the privilege to enjoy the same emoluments as the man on the street.

MR. CRADDOCK BAINES: I hope, Mr. President, that Government will soon look into the two utilities that are enjoying this free importation and draw a line between the public who are now getting any consideration when they get a bill for lights or telephone. And I think it is high time Sir, in the first place it should never have been granted and now I cannot see any reason why it should not be exempted, it should be cut off. Every other individual in this country, every business who orders $10 worth of goods he pays on it and each firms, each business places - the two utilities be allowed to continue free importation, free concession. It is getting, Sir, unfair to the people of this country. Your telephone will go out for a week, two weeks, three weeks, a month before you get it repaired and you still have to pay the same rental.

Mr. President, I am going to go into some more of that next week, but I give my wholehearted support to this and as I said I feel that as far as the importers are concerned they will pass on to the consumer, but it is not easy for the consumer to see the few cents that will be reduced on items with a 2% exemption of duties. And I feel, Sir, that they will get it and even if they are not able to see this, they still will benefit from it, Sir, and I give it my support.

MR. SPEAKER: Do any other Members wish to speak to this motion?

HON. THOMAS H. HODGSON: Mr. President, not to ignore the praise has been said to be excellent. To reduce taxes has been said to be one of the wonders of the economic world. That, Mr. President sums up to this Bill for the past successive four years. The history is that this Government has reduced taxes and whether or not there is any attempt to criticise this, it is one of the wonders of the economic world.

A revolution is hard to accept, but facts go far further than the raising of problems without corollary solutions and it is in the interest of any country to reduce tax when this is possible.

I think it should go on record that the franchises referred to by the Honourable Member from North Side were executed a long time ago and in fact some decades back in relation to one of them.

The reduction today, I think, will benefit the people of these Islands. It is a reduction that they appreciate and perhaps it may be unfortunate if there is a minority that do not quite appreciate what the reduction of taxes do all about.

It has to be brought about by good management, by an underlying surplus, by an underlying general reserve which this Government in the past four years has created the base upon which we no longer need to tax our people and I think it should be the aim of everyone in this Chamber, including such opposition as there may be, that they endeavour towards this because they must always remember that the over-riding duty of every Elected Member in to answer and to represent the people of these Islands. And if there is one thing that the people are always united on, it is the reduction of taxes as these. So I would ask Members to support it and to remember that for the past four years this Government has successively created one of the wonders of the economic world.

HON. JAMES M. BODDEN: Mr. President, I will not be accused of making a long speech today, it will be short and sweet.

I will continue to push for our stated goals and will not stop until we are assured that import duty has been taken off of all food stuff.

MR. PRESIDENT: Does the honourable mover wish to exercise his right of reply?

HON. VASSEL G. JOHNSON: Mr. President, this is a small Bill, but it certainly created a very lively discussion.

I have but very little to say, Mr. President except to thank all the speakers who supported this Bill.

A Member mentioned that he was not too sure whether the benefit from the removal of duty on food stuff was passed on to consumer. I would like to assure Members of this Assembly that from a few years ago Government took quite keen interest in looking at the effect of removal of duty from food stuff so far as relates to the consumer and Government became involved to ensure that the benefit was passed.

HON. YASHEL G. JOHNSON (CONTINUING): Although you find prices differing from one supermarket or store to the other, this is inevitable, Mr. President, because of the method of purchasing in these Islands and because of the various systems of transportation. Perhaps, it may be also because of the different levels of mark-up by the various merchants. But I would like to assure Members that the merchants do pass on the benefit. What happened in most cases is that the removal of duty coincides with the increase in the price of goods caused by inflation.

As far as the calculation is concerned, Mr. President, of the reduction as stated in the Bill and relating this to the work in the Customs Department, this does not bother us at all because there is no extra work created by this. The duty can be whatever it is. We have no difficulty in calculating the right duty.

I thank Members for their support. I am sure that the public will appreciate what is being done and as the Government Bench mentioned this is not the end of such concession, that more will be forthcoming.

I therefore recommend this Bill, Mr. President.

MR. PRESIDENT: The question is that the Bill intituled "The Customs (Amendment) Law, 1991 be read the second time.

Will those in favour please say "aye". Those against, "no".

The "ayes" have it.

## THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1991

### FIRST READING

CLERK: The Development and Planning (Amendment) Law, 1991.

MR. PRESIDENT: A Bill intituled "The Development and Planning (Amendment) Law, 1991" is deemed to have been read the first time and is set down for a second reading on a later occasion.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, under Section 46. (1) Sir, is reasonable to accept notice be given Members. This is a very serious Bill Sir and will have far reaching effects to the economy of this country and the people in the construction industry.

Members from this side of the House have only been presented this Bill and we cannot give it the most consideration in such a short time.

MR. PRESIDENT: It is not down for a second reading today and I think the intention is to let Members have time to study it before we proceed with the second reading.

I think this might be a suitable time to suspend for fifteen minutes before we begin the economic debate.

AT 11:10 A.M. THE HOUSE WAS SUSPENDED

*HOUSE RESUMED AT 11:35 A.M.*

*CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND THE FINANCIAL STATEMENT*

*MR. K. NORMAN SOLOMON:* *Mr. President, after spending a sleepless night worrying about what I would say today, I decided that I would be very forward and make my small contribution in order to get it over with as early as possible. I would like to express my sincere thanks and appreciation to you, Sir, firstly for the Throne Speech and secondly to the Honourable Financial Secretary for his Budget Address, both of which were well prepared and very capably presented and both of which I have found to be interesting, informative and educational and I would convey, with a few exceptions, that these two addresses could be embodied into the school text books so that our school children could be brought up to date and well informed on the country in which they live - the Cayman Islands, which truly God hath not only founded upon the seas, but richly blessed.*

*As a new Member in this Honourable House, I do not have the wealth of experience that would enable me to make long addresses and so in my usual manner I will be brief and to the point.*

*The economy of any country, Sir, is its life-blood and this has already been given the permanence that is due to you and the Honourable Financial Secretary. It has been very well explained. It is a fact that our Islands have experienced and are experiencing a tremendous growth which is evident everywhere in our Islands. Growth that has filled our welfare and brought prosperity to a peak far surpassing anyone's expectations. Substantial progress has been made on all fronts providing needed improvement for our people and this is the way that it should be. But it must never be forgotten that these carry with them a price tag. It has been stated that the main areas of growth have been in new banks and trust companies, registration fees for new companies, real estate transactions and visitors' arrivals.*

*The Honourable Financial Secretary has already drawn our attention to the fact that tourism is one of the main pillars of our economy and it is my opinion that this industry will continue to make a valuable contribution to our economy in spite of the competitiveness especially in the Caribbean. With new marketing and sales techniques, there have been travelled to and from the Cayman Islands and mainly keeping our product at a high quality will continue to attract visitors, friends and families. In our efforts we must also strive to keep the atmosphere conducive that would attract investors to continue to do business here. And in my opinion the strength and stability of a good government are our best assets.*

*As I listened to you, Sir, and the Honourable Financial Secretary reflect on the past and present plans for the future and produce statistical data that would have boggled the minds of our forefathers, I could not help but feel a great pride in our Government, past and present, in being a Caymanian myself and also a deep appreciation for our Civil Service, the expatriates of what has been said, have felt and borne the brunt of this rapid expansion, but who in my opinion have responded in a very admirable*

*I believe also, Mr. President, that their loyalty and dedication and due a lot to the fact that they realized that we are building the Cayman Islands. These are our Islands and we want them to be, not only the best in the Caribbean, but the best in the world.*

MS. W. NORMAN BODDEN (CROSSROADS): Mr. President, a country of 16,000 inhabitants with a budget of CI$40.07m is indicative to me and I am sure to all others, that the Cayman Islands must be in the right place at the right time and with a golden opportunity to be a success. We are indeed most fortunate to be able to formulate plans at the level we have and to earmark large amounts of revenue for capital expenditure and it is a good thing that our revenue position is strong because our needs are many and these needs must be met. Many of them have already been mentioned and I would not elaborate other than to mention those that I think are of main concern to me and those are water and sewerage systems, which I feel can no longer be delayed. Our growing traffic problem and how to cope with this, either for the safety of our people in the areas that they can be built, improvement and expansion of our airport facilities here and in Cayman Brac, streetlighting and so on. All of these are important, but I also feel that of almost importance is a plan for our future that will spread this prosperity and success so that it is beneficial to my children and their children.

Pride can rightfully be taken in past accomplishments and there is reason for Cayman to have faith and confidence in the future. But it is also wise to recognize that there are clouds on the horizon. Clouds that warn us to save for a rainy day. The danger is that once a country and its people have grown accustomed to a certain life-style, it is then difficult to adjust to one that is less materialistic. So this is a price that we pay, but the reality of this possibility for the future must never be forgotten nor ignored lightly.

Yes, economic boom like inflation and recession are imported like many other commodities that we have in these Islands and it behooves us to watch the development in other countries on which we are heavily dependent and make our plans accordingly.

In my opinion Mr. the real test of any country lies in its ability to counter economic variations, to cope with change and still manage to keep its people reasonably satisfied, contented and happy. This can only be achieved by careful and cautious planning. In the years ahead there will undoubtedly be bold decisions that will have to be made. Decisions, in some instances, that may be unpopular. But I can assure you Sir, and Members of this Honourable House that once I am satisfied that they are in the interest of these Islands and my people, they shall have my full support. I have realized a long time ago that this is not a popularity contest.

I would like to mention a few items on different departments. The first one being the police force. I am sure that as our population has grown so the traffic has grown and the drug trafficking has grown, that they have had a tremendous responsibility and their problems undoubtedly have multiplied. As a community I feel that we have a responsibility to sustain them in maintaining law and order and this should be the responsibility and desire of any well thinkin' Caymanian.

Radio Cayman. I feel that many times public services are deeply criticized and I do not believe that in any country that they are given the credit that they are due. Sometimes a joke is made of this, but I take it seriously and I feel that in spite of what can be said, Radio Cayman with keeping the heavy schedule that they have and keeping our people informed, today our people are better informed than ever before. There are many elderly people who are unable to read, but they can still hear and they are very up-to-date on what is going in our Islands and the world.

The Immigration and Caymanian Protection Board. I consider these departments the keeper of the gates to the Cayman Islands. There are many responsibilities and a tremendous work-load and a burden of responsibility that must be carried by them. I notice that it was mentioned the easing up of work permits at certain categories and I am sure this will be very welcome by the private industries who have to bring in people from the outside from time to time.

HON. K. NORMAN HOOKER (CONTINUING): Legal Administration. The lengthy and tedious task of negotiations on behalf of Government are difficult and can be strenuous. The drafting of new laws, the revising of old laws, all of this is very important, not for myself and not for me and you and not Caymanians of today, but the Caymanians of tomorrow as well who will have to live by these laws and I feel that this department is worthy of praise and consideration.

Finance and Development. The man that holds the purse-strings to these Islands watches not only the revenue with pride, but the expenditure with concern and I know that this department has felt the impact of growth and rapid expansion and it is my opinion, Sir, that the Honourable Truesel Johnson and his staff, our financial affairs are in good and capable hands.

The Mosquito Research and Control Unit. I remember the days when the Cayman Islands were known as the mosquito Islands and it was a big joke. I feel that sometimes one may reminisce that the good old days are gone. but I am glad that most of the mosquitoes are gone too. If it was not for the control of these mosquitoes I am sure that we would not be talking of a $40.17m budget because we would not have the economy on which to base that sort of finance.

Health, Education and Social Services. Many improvements have been made in these departments. I feel that our educational system has been raised to a level that is commendable. Undoubtedly there are things that are lacking and there always will be, but when these programmes are constantly under review and being upgraded so that we are not slipping back, I think this is of primary importance to our country. There are some human developments, Mr.Speaker, at the hospital, but I am confident that the Member responsible for this portfolio will deal in the manner that he should in order to resolve this to the benefit of this country in which we all live.

The National Council for Social Services and the Services Clubs I think have done a tremendous job in responding to donations and in raising money from time to time and supplying needs that Government really cannot do. Because in our community it cannot be expected that Government is able to do everything.

Private schools play a vital and important role in providing a standard of high education to our children and I am very pleased to see the strong support that they are being given by Government in the form of grants without which they could not exist. And I am sure that this consideration is due to the fact that if these doors have to be closed, Government would have a tremendous job on its hands to find new educational facilities to accommodate those having to leave the private schools.

Civil Aviation. This is a very busy department for us to keep abreast of progress and development. I am proud that we have a new Caymanian Director of Civil Aviation who I am sure is well trained, very professional and it is my opinion that he will receive the proper support to enable him to do the task that is set before him. New terminal facility is no more a luxury item, but in my opinion a necessity if we are to keep abreast of development and to provide the facilities that the growing number of visitors expect to find here when they arrive and when they depart.

The Domestic Fire Service has been mentioned. I feel that this is very much needed. I feel that it be well operated and the number of calls that I hear them responding to, I wonder sometimes what we did before we had it.

Housing has received a lot of comment. It is badly needed for our lower and middle income groups. I notice that a housing authority, consideration is being given to this and I would certainly like to see this moved forward so that the problem in this area can be eliminated. I know it takes time and once it is receiving attention is the most important thing. It is also gratifying to see that the less fortunate in our community are not being neglected by the Bill that was passed on the lifting and reduction of import duties of milk and several other items. I am certain Sir, that this will be passed on to our peoples' benefit and this is what running a Government is all about.

MR. V. MANNIE ROBERTS (CONTINUING): Public Works. Their responsibility has increased, their activities intensified and while delays have been brought about for various reasons, I feel that we have experience and expertise here locally that can be used and in fact no longer dependent on having so many people from the outside to do our major jobs.

Next, I come to Cayman Airways. My feeling on Cayman Airways is that we have one wider. It is the side that I call the essential service side and the other side is economic side. From the essential services side I feel that Cayman Airways has done a good job in providing a dependable safe service to and from these islands and personally, Sir, I would not like to see the day when air services to these Islands are wholly in the hands of any outside operator.

On the economic side Cayman Airways is faced with the same problems that world-wide airlines are faced with - rising cost in operation, fuel that seems to be no limit to cost of insurance and many other items and even though business has been good from the revenue side, the expenditure is always on the increase as well. In mentioning Cayman Airways and with all due respect to you, Sir, I have to differ on the statement regarding the Managing Director's resignation because I do not feel that the Managing Director of Cayman Airways resigned at short notice.

I would like to mention before closing, the composition of Statutory Boards. I feel that selection and appointment to these Boards should be based on an individual's ability to make a contribution to that board. We operate under a two party system in this country and individuals, as far as I am concerned, should be treated fairly regardless of whom they played their political support. As far as I am concerned, the 1980 Elections are over and done with. I am very appreciative to the people of George Town for electing me and although I am a new Member, I am willing to learn and I am willing to do everything that is within my power not to betray the confidence that my people have placed in me. I feel that the time has come for us to settle down to running the affairs of this country and if necessary start planning for 1984, but forgetting about the Elections of 1980.

In conclusion Sir, I would like to again express my appreciation to yourself and to the Honourable Financial Secretary for bringing us up to date and presenting such comprehensive and valuable addresses to this House.

Thank you.

MR. D. MILTON EBANKS: Mr. President, I too want to pay tribute to you and the Honourable Financial Secretary for your well comprehensive and encouraging speech that you all made at the Throne and Budget Speech.

That speech Sir, shows, not only to the Caymanians, but I would say to the world, that the Cayman Islands are being run by a good Government.

I have to give praise to this Government and the Government from 1970 until today. But I want to praise you too, Sir, for your guidance in guiding us the way you did and I hope that we can continue to have some of your guidance in the future. And as to the Honourable Financial Secretary, I know he was not born here in the Island. He came here as a boy, but he has eaten enough Cayman that now to become the son of Cayman soil and that is the way I look at it. I do not think we can pay him enough to do the job he has done and I can very proud that I have cannot close rule of him.

Now, Sir, with all the glory and praise of the development that has been shown in these speeches, there are still pros and cons. And I would like to touch on a few of these.

About, in development. It is rumoured now Sir that Government want make some stand controlling, slowing down or stopping this industry. First of all Sir, I think this industry is one of the biggest projects where Government draws revenue. But I would like to let people know that in any developing country or any from town, whatever you choose to call it, I have never heard of any government slowing down and stopping that industry. I myself have worked in some of these countries. I have witnessed immigration of a hundred or so thousand people immigrating into a country almost overnight, but I have never heard of a government slowing or stopping a development and I do not want to see this Government interfering in this development. Time and future will take care of that.

MR.D. DALMAIN EBANKS (CONTINUING): No boom lasts forever, so nobody needs to look for it. But as long as the boom is on, let we as Caymanians try to get what can be gotten out of it and make preparations for the after effects when the boom getsre cut. But I say this,Sir, I feel as long as we remain a Crown Colony, a stable Government that investors have faith in as they do now and remain friendly to the investors, this development will go on for a long time.

There is no need to talk about Cayman being over developed. Cayman has not been touched yet. You may say that the Seven Mile Beach is pretty well developed, but we have thousands of acres that have not been touched and if we could say a lot of that undeveloped I think we will be doing a good job. And I know there will not be any Caymanians going to do it. We have to take foreign investors to do it.

The thing about trying to control or slow down this development, I do not know how Government can do it Sir and I am sure Government itself does not know. Because the minute that you put any sort of stop on it, whether you stop passing plans or telling an investor that he cannot build now, you are playing with fire. The investor is going to pack up and leave. And when that comes about Sir, we will be ruined because once that is gone we will find the banks and everything else pulling out from the business.

We are going to tourist industry. Well without the development, without the building whether it is condominiums or hotels, we have to have a foundation for the tourist. So we need it at all hands Sir.

This is one thing that I am really worried about. Not only I have talked with many of the investors here, but they themselves are worried about it. So I say Sir, that Government do not interfere with this and let time take care of it.

Now Sir, there is another thing that I would like to speak of which entails a big necessity and that is a low housing scheme it is getting time now Sir, Government take a serious look into this problem. We have areas where I know of two to three families living in a little shack with no sanitation whatsoever. And it only because the Cayman Islands probably be a clean Island that an epidemic has not broken out in the community already. But it is serious and it will happen and it is high time, somewhere along the line, that Government move in and assist these people in getting homes, whether it is through soft loans, Caribbean Development Bank or not, one way or another this should be done.

Another thing that I am proud to see, I feel that our Police Force will be improved now with a man like Mr Stevens in charge. The Police Force has always been pursued about. We also have a superintendent there with his practical skill for training the police force and that is really what that force needs. And I would tell him Sir, that one of the things there that he has to train into that force is discipline Sir. Without discipline no force, whether it is working force, fighting force or whatever kind of force, operation well Sir. And I hope that he has the ability that I know that the British have in training you in discipline to put it on those guys.

Also, I am glad to see that we are going to start a cadet force. This is something I think I mentioned in my first entry of the House. This will help the youth Sir. But I will go a little further, I feel that a cadet force should be centered in the Educational programme starting from school. In other parts of the world, when happens Sir? You find kids eight, ten, twelve in cadet forces and it is surprising to those kids drilling and whatnot. It grows into them, whether it is militiary or what, that is what the cadet is for. It gives them a chance to be doing something in their idle time. This is what I feel should be done and I hope that the Member in charge will take notice of this, Sir.

I have to speak on my old subject of my coastguard. We have a boat that is doing some service, but I am still not satisfied with that boat and think we need a larger boat Sir. If you do not want a boat, I still say that a radar station is a wise thing to be thinking about, Sir. If we had a radar just when those poor people were lost two months ago, we might have been able to save them. We could have been keeping a track of them and when they disappeared we would have known something had happened and the boat could have gone out and probably picked them up by the way, Sir. These are the things that should be looked into to help our country to be a better Island.

MR. D. DALMAIN KEARNS (CONTINUING): Now Sir, there is always the talk of traffic. Any traffic goes with development. So long as you have development and a growing development you are going to have growing traffic. And this little town is not laid out for this sort of traffic. So it is really going to be difficult for the police force to control it. What I would suggest now Sir, it is time to be thinking about traffic lights. We have key points where you will not have to pull police away from other duties and it will serve the purpose.

Well, another thing Sir, we have people who are working for Government in Public Works, especially, that are not contributing I feel that it is time again that these people should be considered after working so many years. Some way Government should consider them to have some sort of gratuity put aside for them. I know of a plan that I worked under where if you put $10 out of your wages the company or the Government will put $10 aside for you and when the time comes if you are sick and have to leave the job you have some money to retire. I hope this will also be looked into.

Now,Sir, you have said whoever feels that construction and development should be tampered with are not talking right. I feel,Sir, that this is the mind of few people who do not want to see Caymanians, or certain Caymanians, getting ahead. This is an opportunity that we have to get ahead and if somebody or any individuals are smart enough to make themselves a million dollars out of it, I will shake his hand and give a smile. I do not see why people should begrudge it and try to stop it. Also they say the pace is too fast and I do agree. The pace is moving fast, but you know what,Sir, it is time for Caymanians to learn to move with that pace. We as Cayamanians are used to moving, what has always been spoken of here, like back in the old days, tomorrow is good enough or next week is good enough. Well those days are past and gone Sir, and we have stopped dragging our feet and moved with this time. And you will find out that again time are not moving as fast then as people want to put it.

Another thing,Sir, dependency of labour here. I do agree, again, skilled labour is limited here. The importation of common labourers is again the fault of our Caymanians because I am sure today Sir, if you went around this Island you could pick up a thousand, or eight hundred to a thousand, young men who are not working and some of them will tell you they are not going to work. I have offered some of these guys in my discussions work, but they tell me they are not working. But still they say they are allowing the foreigners to come in to take their jobs. So it is their fault, Sir. This work has to go on and if they do not work, we have to import labour. But this again is what goes along with the ham,Sir. No country builds itself with just its own people or its own money. That is why Sir, I am saying that I hope Government do not take the stand to try and prevent development. This money is not Government money, it is not Caymanians' money, it is the foreign investors' money and once you tamper with that,Sir, we are going to lose what we have and find ourselves back like how we were probably in 1970, or even worse.

I thank you,Sir.

MR. G. HAIG BODDEN: Mr. President, I know that at least three Members would like to go to the Rotary lunch at 12:30 and I would formally move the adjournment of the House now.

MR. PRESIDENT: There is perhaps not the time for a further speech before lunch so if Members are agreeable I am ready to adjourn until 2:30 this afternoon.

AT 12:10 P.M. THE HOUSE WAS SUSPENDED

MR. PRESIDING: Proceedings are resumed.

MR. BENSON O. EBANKS: Mr. President, this honourable House has already placed on record its grateful thanks for your gracious speech and I of course associate myself with this act.

I am familiar with the method of preparation of such a speech, with the reason why it is delivered and I will attempt to reply to it in the way that I think it should be dealt with. I must admit that up until yesterday I was somewhat at a loss to understand what makes this Government tick, but by the admission of at least two Members yesterday, I think I would be justified if I called this Government the Government of 'reaction' rather than 'action'. In other words they will take action if they are complained to, but there seems to be no great deal of forward planning.

This realization Mr. President, will temper to some extent the tone of my contribution to the debate on both the Throne Speech and the Financial Statement. As I said I have concluded that I must, of necessity, voice complaint in good measure and in return I therefore expect a lot of reaction.

First, I expect verbal reaction in this Chamber from the Members of Executive Council because I intend to scrutinize the policies and by and large this is intended. Later of course, I expect immediate measures to be taken in abundance as a result of the scrutiny which I and Members on this side will give to the policies and actions of Government.

I am happy Mr. President that you or the Financial Secretary did not have to end your speech in the way that I somehow supposed it to be completed, for at one time I was expecting to hear some exclamation like "Heaven was never like this". It is true Mr. President, we are enjoying unprecedented developments, but the path is not all rosy. Neither was our present position reached in a single step or in a few short years as some would have us believe.

I am grateful to the Honourable Financial Secretary for giving a brief synopsis of the economic and social developments in this territory over the past decade. I am humbly proud also Mr. President, that for six of these ten years I was a Member of Government and for five years previously. As I said, some would have us believe that the current economic boom is the result of the efforts of the Government from 1972 onwards. Of course we know better. As the Honourable Financial Secretary pointed out, this then Government sat down in 1968 and made a five year economic Development Plan to be known as the 1970 to 1975 Development Plan and it embraced some 29 projects.

The most significant of these projects were the introduction of the comprehensive system of education with a resultant building of the Cayman Islands High School and the High School on Cayman Brac to cater for this system; the building of Primary Schools in all the districts; the building of the Legislative and Courts Building; Police Headquarters, sub-stations in the various districts; the Radio station; the paving of roads throughout the Islands and construction of a road on the Bluff in Cayman Brac; reconstruction of the George Town Hospital and improvements to the Cayman Brac airport and a Multi-Centre in Cayman Brac; also the development of the Mosquito and Research Control Unit. But Mr. President, there were two projects more than any other which stand out as landmarks on our path of development and I will refer to the construction of the George Town Port Facility and the introduction of the Registered Land System in these Islands. There was a further development, the introduction of our own currency.

A glance at the estimates of revenue and expenditure for 1971 and the performance of the economy for 1980 will quickly reveal that the healthy financial position is derived chiefly from income on import duties and the 7½% stamp duty on land transactions. These, Mr. President, are related and dependent.

Much is heard today about the development boom, but when the trimmings are done away and the substance looked at, Mr. President, it is revealed that what we are really talking about is land development and sales. And why is this so? I submit that the foremost reason for interest in Caymanian land is the effect of a Registered Land Law which gives certain title and Government guaranteed title to property holders. This is something found in very few places around the globe.

MR. BENSON O MEANS (CONTINUING): Prior to the introduction in these Islands, even in those early days of development, it was not uncommon for a developer to discover that he had purchased the same piece of land that had been sold to at least three other purchasers and courts were being clogged with litigation over land. The Registered Land Law did away with that and brought order to land dealings in the Islands.

Mr. President, Members are aware that land in this context includes buildings and it was again, Mr. President, the Government prior to 1970 that introduced the Strata Titles Law which makes possible the sale or the lease in condominium construction which we see today.

Mr. President, I have made these points to show that a firm foundation with a reasonable infrastructure was in place by the end of 1976. It does not take a genius to see that today's boom could not be supported without our present Port facilities. It is in my opinion, Mr. President a fairly bad-off individual who cannot put a coat of paint or add a room to a structure which has been willed to him or her in good condition. It should be easily improved upon.

It is my contention, Mr. President, that while we have had, what I would call, runaway development in the last two to three years it is as a result of the fact that Government has been unable to decide what colour they are going to paint the structure and what will be the maximum size of the building. In other words I am saying that the last four years have been marked by an absence of forward economic planning.

I have heard it said, Mr. President, that you cannot tell a developer what to do with his money. That is true, Mr. President, but I maintain that any government that is not prepared to say to a developer what you can do in a given country has given up the privilege of governing.

It would be amusing, Mr. President, if it were not so serious, to see the section in your speech stating that the aim of the 1982 Development Plan should be to ensure the preservation of a traditional image of the Islands and then the preservation and protection of our coastal heritage, park and recreation areas in the face of intense development in certain areas of the Island will require review. If there is a classic example of closing the stable door after the horse has escaped, it is that. Unless world economic conditions deteriorate to the extent where the local building industry is effected, and God forbid that should ever happen, then there is no more hope in my opinion of ever achieving the objectives stated for the 1982 Development Plan.

In this Session we have heard Members complain about the congested condition of George Town. Just this morning it was stated that this town was never laid out to take the amount of traffic that is here today. Mr. President, this country had an opportunity to have this town planned, but at that time the opportunity was kicked out the door and what we are seeing today is only the beginning of the effects of the failure to plan the development of this country properly.

We have not seen traffic in town yet. The condominiums under construction on the West Bay Beach at the moment in aggregate will more than double those that are already there. They will have more than twice the present traffic on our already overcrowded roads and Members can sit and think what that situation is going to lead to.

I remember very vividly Mr. President, a Member of the present Executive Council telling a gathering of people that his grandchild, of which to my knowledge he had none at the time, had not told him that he wanted any of our Island preserved to him or to them for posterity so he was not interested in that. Mr. President, today we are hearing the same thing. I have had no complaint, so I am satisfied. Mr. President, I will deal at this time with some [illegible] within the addresses and I turn first to Tourism. It is true Mr. President that the number of visitors to our shores continue to increase in number and this is encouraging. However I wonder whether the amount of money spent in the Islands, particularly by the long staying visitors, has increased proportionately. I would have expected to have seen this information given in the statistics.

What does emerge from the statistics given, if my calculations are correct, Mr. President, is that while the number of tourist arrivals by air increased during the decade by 121.75%, the increase of expenditure by the Department grew by 1,011.1%. The cost of attracting one visitor in 1970 was $6.478 and the cost of attracting one visitor in 1980 was $11.636. If other ancillary expenditures are taken into consideration, such as the extension to the runway, contribution to CAL, etc., the figure goes through the ceiling.

MR. BENSON O EBANKS (CONTINUING): Now I am not sure Mr. President how these figures stack up against the industry costs internationally, but our figures have increased to quite an extent and I think that the increase is sufficient to warrant comment, especially in view of the fact that the number of repeat visitors should be increasing and the contribution to visitor count from the financial industry should be increasing because the increase of activity in that field has been phenomenal.

I once heard the argument advanced that operations from the tax haven or minimum from the tax haven operations accounted for as much as 40% of our tourist traffic. That figure might be high Mr. President, but I know that the number is not an insignificant amount. If this 60% which I have quoted or anything approximating that is correct, then I think a close look has to be taken at the expenditure in this department and I do not want to be misunderstood, Mr. President, I support tourism 100% or more if that was possible, but I am concerned about some areas of activity. For example, one must wonder what part is played in the promotion of our Islands for visitors by articles written by the Cayman News Bureau purely for local consumption and often with a decidedly political slant.

Mr. President, I must also question what the department and/or portfolio is doing about the upgrading of properties that offer accommodation to our visitors. It is my opinion that unless something is done to upgrade some of the hotel properties at least in the Island, our tourist industry will decline and as has been stated by another Member, I think the time is long overdue when we need a new and larger hotel in the industry.

The Financial Industry Mr. President. The Honourable Financial Secretary mentioned the threat of New York to tax havens like our own by the operation of international banking facilities through American banks on-shore in America. I think he possibly should have mentioned too Miami. As I understand it, Miami also poses a threat in certain areas. I am happy however, Mr. President, to see that the Honourable Member does not take this challenge lightly because I believe that anyone who regards the occurrence or emergence of this operation in the United States as a non-event, does so at their own peril and are just hiding their heads in the sand. I believe that some branch operations, and therefore loss of revenue by way of bank fees will be experienced by Government as a result of the coming into operation of this facility in the United States.

Mr. President, currency. I **recall** for our own currency and I have supported it all the way. I am somewhat surprised at the large increase in the money that went into circulation during 1980. This being the case, I am somewhat surprised that inflation was not recorded at a higher rate than it has been. Mr. President, I am however, disturbed to know that the new notes to be printed are to be linked to our Pirates Week festival - both by the timing of the issue and by the design of at least one of the notes. I believe that this will cause our currency to be looked at in some quarters as "play" or "funny" money. I can understand, to an extent, the reasoning behind wanting to get a commemorative issue, but I would have thought that the issue of some coin would have been more in keeping with the event. I am convinced, Mr. President, it will eventually dampen the respect for our currency in the eyes of the world.

Exchange Control, Mr. President. I did not support, in years gone by and I do not support now, the abolition of exchange control in these Islands. In spite of what the circumstances might have shown at the end of 1980, I think that the results of this action cannot be quantified accurately by those figures. Time does not permit for it to be so and I am satisfied that the abolition of exchange control will eventually lead to the demise of the Cayman Islands' currency. No one will buy sterling at 10% per pound, Mr. President, when they can buy them for 5%. And likewise no one will retain their money in a currency on which they get 8 or 10% interest when they can convert it into one freely on which they can get 15 to 22% interest.

One example should suffice to show, Mr. President, what could have been responsible for the favourable impression on your end. It is well known that local banks, just prior to the Christmas purchasing season - let us say over the last quarter of the year, had no CI dollars for new loans. However, individuals were able to borrow in US dollars and when these were spent locally, naturally, merchants and traders who had utilized a Cayman Islands' dollar account to finance their Christmas stocks and trade deposited these funds and therefore relieved the adverse position in the banks. In other words it was a simple expediency of converting US dollars into Cayman dollars at that time.

MR. BENSON C EBANKS (CONTINUING): Simultaneously, Mr. President, I would contend that it was too early to see the full effect of the hike in interest rate on the US dollar on the local dollar because people who were locked in, but nearing maturity on their CI dollar deposits, would not break them with just a short time to run. It would be interesting if we could have, maybe even during the Committee stage on this Bill, year-to-date figures on the position.

In any event, Mr. President, the removal of exchange control means that we have lost control over a small pool of money which oiled the wheels of commerce at reasonable rates and over which the local economy had control. And no one has yet been able to demonstrate to me that exchange control, as it existed and was applied in the Cayman Islands, kept this country from getting one piece of off-shore business. It was in my opinion Mr. President, as I said, an unnecessary move and this country is going to pay the price for it sooner or later. To compare the Cayman Islands' dollar with the pound sterling or the US dollar, both of which are reserved currencies, is fallacious. The CI dollar is strictly a local currency that could have been used to dampen the effect of inflation on the cost of doing business when the US dollar rate interest soars. Government is aware of this, Mr. President, because when the interest rates were high in April or May whenever it was, Government delayed the introduction of the law and I would have thought that it should have given many thoughts for reconsideration and possibly a stay of the law. Nevertheless, it has been done and I suppose history will prove who is right in their contentions on this. But I feel safe in my predictions.

Additionally, Mr. President, we are here finding the fact that banks have agreed to close the exchange spread on the purchase and sale of US dollars for CI dollars or vice versa. And this, Mr. President, ludicrously enough, only facilitates the switch of CI dollars into US dollars and makes it more attractive to do so even at lower interest rates than before.

Immigration. Mr. President, it would have been helpful if this Honourable House would have been told the exact or approximate number of bodies that had been approved in the quota for 1981 rather than to have been given a formula which would cause a lot of research for the average Member to come up with a specific figure.

During 1980 it is a well known fact that the temporary gainful occupation license was abused, if not with the knowledge and consent of Government at least with a "Nelson's eye" being turned to it. Temporary gainful occupation licences was never intended for casual workers for which it was used in 1980. The temporary gainful license was intended for skilled persons coming into the country to do a specific job quickly on an emergency basis and then get out. For example, repairs to a computer or to Cayman Airways if the repair could not have been done by the local engineer. The gainful occupation permit was used in 1980 as a money earner. A work permit that would have cost $100 if a proper quota had been established and the proper permit issued, and a person employed for the same length of time, that is I am speaking of a year, under the temporary license system would have had to have paid at least $700.

I am aware Mr. President, that well over 1,000 of these permits were issued during 1980, at least that is the number that appeared on the top of the permit. And I would hope, Mr. President, that the number of immigrant workers referred to under this section of your speech will not also include the temporary work permit holders when the 1981 quotas are being arrived at.

Mr. President, it was stated that Government sees clearly the difference between professional and managerial staff and skilled, semi-skilled and unskilled labour staff. I am left to wonder whether this is really so because I have been told of instances where banks and trust companies had been waiting for three or four months for permits for the professional staff and have been told that they would get a permit on condition that they agreed to send a Caymanian off for suitable training. This might not in itself, Mr. President, sound to be a bad trade-off if the Board did not know full well that the Caymanian suitable for training did not exist. And our off-shore financial institutions cannot continue to operate under such restrictions. So I welcome the announcement that Government is going to issue permits in this category.

Mr. President, I feel that much of the labour shortage in this territory could be solved in the skilled, semi-skilled and unskilled field at home, if Government took positive action to have the persons in Cuba who are of Caymanian parentage or other relationships brought home. They want to come. Now I know Mr. President, that this proposal does not find favour with at least some of the Members of Executive Council because it appears to me that they are of the opinion that communism is some type of virus that these people

Mr. BENSON O KNAIGS (CONTINUING): would bring in their suitcases rather than an ideology which has to be accepted. But, Mr. President, it is my contention and belief that any fear of indoctrination from this source is unfounded and those persons who, of Caymanian extraction, have visited Cayman from Cuba in recent years have borne this out. It is not readily appreciated, Mr. President, but it was to a great extent the repatriated Caymanian Cubans who came home in the late 1960's who supplied the labour for the boom of the early 1970's. Those people who returned home were sober, industrious, skilled and a credit to our society in most instances. The situation, Mr. President, is much better now than it was then - that is the Island is much better equipped to absorb these people because a lot of their relatives are already here, have established themselves and have built their own homes and can house these people until they get on their feet.

Mr. President, this to me is a much more humane and desirable approach to the labour shortage problem since it would, in many instances, unite families rather than for a policy to be taken to cause employers to go to Honduras or somewhere else to bring in unknown quantities into our labour force. And I urge Government to give serious consideration to this suggestion.

Now before I am told, Mr. President, that there has been no request or complaint, let me hasten to say that I know of at least one instance where permission was denied to one of these persons that I am talking about to come to the Cayman Islands even for a limited time to visit processing by the American Embassy in Kingston to allow him to join his family in Miami who had travelled there in the recent boat lift from Cuba.

Police. Mr. President, I note that it is the intention to acquire additional equipment for the Marine Police power and I hope that this does not mean necessarily additional boats, Mr. President. I share a common view with my colleague on my left about the futility or the value of a powerful motor. Mr. President, for keeping surveillance around our coast, it is my contention that a powerful land based radar, manned on a twenty-four hour per day system, is the most effective surveillance that we could have for the entire coastal area of this Island. I would believe that the American authorities would help to supply and maybe even install such a set. My idea would be that with this system surveillance could be carried out for several miles out to sea and the movements of craft monitored. Any suspicious movements could be checked when the craft returned to shore or the information passed on to the US Coastguard or whoever might be in the area if the boat does not appear as is coming to shore, or it could be intercepted by the police launch while it was still at sea.

Prison Services, Mr. President. Although I will never say that I am proud of any prison, I welcome this development. In fact it is long overdue and I could hope that the second phase is built more quickly than the first if it is to be ready for 1981. From reports which I have had, Mr. President, this seems another case of a building being started before the correct determination for its use had been established or exactly what they wanted had been established. I understand that during construction the design has been changed on several occasions causing unnecessary delay and expenditure of funds. And I am also left to wonder, Mr. President, if sensitive prisoners overseas is a lot different than having a staff at the prison comprised almost entirely of non Caymanians. It seems to me that for as long as this service had been planned that suitable Caymanians could have been recruited and sent abroad and trained to meet much of the staffing needs that appear to be there now and are being filled by expatriates. I do not want to be misunderstood. It is purely a psychological and social question I am posing and the suggestion I am making is that had sufficient forethought and planning been put into the exercise, Caymanians could have been sent abroad where the training would have been very broad and complete.

Medical Services. Mr. President, I must say that I am somewhat distressed at developments or non-developments to this department of late. Be that as it may, it will be noted from the Throne Speech that bed occupancy at the George Town Hospital at the end of 1980 was nearing 100% of capacity compared to 70% average for 1979. And this would lead one to believe that our medical services are held in high esteem by the general public, but regrettably, Mr. President, this is not the impression one gets when talking with the general public. It seems to me that people are seeking attention in Miami these days for the simplest of ailments. In my view, the occupancy figures reveal either that the population is becoming less healthy or that the hospital is being used to accommodate other than really sick people. I refer, Mr. President, to persons who possibly might well be only in need of common care and attention in their own homes, but because of the rat race which has developed in the society, have no one to care for them. If this is the case, I would urge that Government considers the establishment of a core of medical aids to attend to these people

MR. DENZIL O. BRANKS (CONTINUING): in the several townships and to see that they are cared and provided for in their homes. But, Mr. President, a disturbing factor to me about this service is the provision in the Estimates for overseas medical cases. In 1980 CI$35,000 was approved under this head. The revised estimate is CI$67,320. The actual figure spent in 1979 was CI$68,860 and the budgeted figure for 1981 is CI$100,000. If this year's estimate is exceeded by the same proportion as 1980's estimate - the actual figure would be more like CI$200,000. Not to me, when these figures rate in significance against the explanatory note which is given against this increase reflects the already rise in demand for the service and Government's policy for assistance to the general public".

In my view, Mr. President, that is a far reaching statement and must be demoralizing to the Department which I know includes some very capable and conscientious members of staff. The statement, Mr. President, in my opinion cannot be intended to build confidence in the service which Government is offering. Yet, we are told, Mr. President that hundreds of thousands of dollars have and are being spent to upgrade the medical services. Mr. President, someone must not have been completely candid about this service and I hope that my few remarks will jolt the portfolio in to action, some of it in a reaction.

On a lighter note, Mr. President, it appears that Members on this side of the House must have missed out on some heavy celebrations to mark the opening of the new Maternity Block at the George Town Hospital. Since that opening which took place some eighteen months after the commitment was worthy of mention on page 12 of the Throne Speech under Items obtained for the Capital Expenditure of CI$6.3m during 1980.

MR. PRESIDENT: If the Honourable Member would like to take a break now, we could suspend for fifteen minutes

MR. DENZIL O BRANKS: I will yield, Mr. President.

AT 3:42 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 4:00 P.M.

MR. PRESIDENT: Proceedings are resumed.

MR. DENZIL O BRANKS: Agriculture, Mr. President. It was disturbing to all of us to learn the final outcome of the ban imposed against the produce of the Turtle Farm entering the United States during 1980 and now this House is aware, the loss of the export market caused the Farm to reduce its labour force by almost 100 employees which was felt severely. It would have been worse of course if they could not have gone into the construction industry and it is my hope Mr. President, that during 1981 Government will take a leading role in trying to have this ban lifted. I appreciate that it is a difficult task, but with a new administration in the United States one would hope that some positive results might be forthcoming.

It is pleasing to note that the Agricultural and Industrial Development Board was established in 1980 and I would hope that 1981 would see the disbursement of these funds into viable projects accelerated. But Mr. President, I am wondering whether the interest rate of 10% being charged to borrowers on these funds is a rate which is dictated by the principle contributor to these funds, that is Caribbean Development Bank, or whether it is one that has been set locally. Because it seems to me if these funds are borrowed at 4% and that a spread of 6% to cover, what in my opinion should be merely administrative costs, is a rather large spread. I would have thought that these funds could have been loaned at a lower rate of interest and that it would have had a greater impact and advantage for the small farmer or industrialist.

Ten percent money is not cheap money and this, if the entire amount which is available if my figures are correct - if the entire amount of this money was lent at 10%, after paying the costs of running the Board there would still be a surplus of almost $10,000 left. And even if Government had to subsidize this operation in the early days, I would make a plea for some consideration in the reducation of these interest rates.

MR. DEPUTY SPEAKER (CONTINUING): I look forward with interest Mr. President, to the presentation of the Farm development Plan which I see it is hoped will be ready for implementation in 1981. I would hope that members of this Honourable House might be given copies of this to read in advance so that comments could be made thereon.

Mr. President, on one occasion this morning that without the Mosquito Research and Control Unit none of us would be able to boast today about the standard of living or the pace of development in these Islands. I have often tried to explain how serious the problem was to people and to awaken the most timid overseas native imagination.

I am happy to see that the plane which was lost is to be replaced and from the figures provided, it would appear that the cost is not quite as much as I feared it might have been when I heard of the loss of the aircraft. Because, Mr. President, I do not believe any of us will see the day when we are completely free of the mosquito plague in the Cayman Islands, but as long as we can keep them under control I think that our tourism and off-shore finance industries are guaranteed and with development, eventually the problem will probably become a lot less. This is an instance, Mr. President, that I vividly recall where planning rather than shots in the dark paid off. There are Members in this Chamber who will recall that immediately before the formation of this Unit, Government was spending considerable sums of money on one shot attempts to, what was thought at that time, rid the Island of mosquitoes. In the end it was decided to bring someone in to study the problem and to set up our own unit and had we delayed that decision much longer, Mr. President, it would have been a much more difficult task because of the immunities which the mosquito would have built up by those shots in the dark. I am saying this to say that in my opinion planning your path always pays off.

I am happy, Mr. President to see that a Caymanian is now Head of the Civil Aviation Department. I am glad to know that the extension work on the airport at Little Cayman is progressing and above all I am happy to see that plans are afoot to build our long awaited and much needed terminal here in Grand Cayman.

It was in the 1976 to 1979 Estimates that this project was lifted as one of the areas of priority. Unfortunately it was the will of the House at the time that that be relegated to one of the last projects to be attempted in that programme and it really never got off of the ground.

I know that there are those people who will tell us do not even replace what you have now, it is quaint, there is nothing like that anywhere else in the world, you have something unique. But, Mr. President, I hope that we do not suffer the same fate with that as we did with the delay in constructing Government offices some years ago, because I am told that the building badly needs replacement and I really am happy to know that at last we are moving towards the implementation of this project.

Postal Services. I was a bit confused in the beginning, Mr. President when you said that the Postal Department provided almost 30% of the total revenue and it was the second largest earner of revenue after Customs. And then of course I realised that it included the 9% stamp duty on sale of land. I know that the sale of stamps is a profitable business, but that had me a bit confused until I could get to study it.

The other point under this heading Mr. President, is the statement that arrangements were concluded with US Postal Authorities to have all second-class mail sent to Miami instead of Tampa to be airlifted from Miami rather than the old system of coming by boat. And I am wondering whether this new arrangement means that this Government is picking up the tab for the airfreighting of this mail to Grand Cayman twice weekly as an extra charge as opposed to the normal routing by boat. I would hope that is not the case and that a system of fairly sharing the charges has been worked out with the US Postal Authorities.

Public Works Department. Mr. President, I must say that this is one Department that functioned apparently extremely well in 1980. I do not agree completely with all that was done. For example, in my own district with the widening of roads, instead of completing one road, the fences were moved back on just about everyone that appears to be slated for widening, yet the actual surfacing was not done and in many instances the road is left more hazardous than it was before the fence was moved. And I would hope that in 1981 these roads are going to be given priority. I cannot see why the surfacing of roads in private sub-divisions should take precedence over the surfacing of those roads that have been long established in the district. And I would also have, by way of constructive action, that the roads in some of the private

MR. BENSON O. EBANKS (CONTINUING): sub-divisions in West Bay will be carried during 1981 as a matter of priority, because, Mr. President, West Bay after George Town is the highest and most densely populated district and we supply a lot of the labour force to George Town to keep the wheels of industry rolling. So I hope that our roads in West Bay are given priority in the 1981 Roads' Programme.

I note that there is some concern as to whether Government will have the ability to cope with the volume of maintenance that has been planned for 1981, but I believe that if we agree that the services are essential and necessary, the quicker they are built the better, and it might be that some of this work would have to be sub-contracted out or whatever to have it done. Once Public Works can progress the projects properly, monitor the work as to quantity and quality and determine that we are getting a dollar's worth of work for our production for a dollar spent, then I see nothing wrong if they were to give some of the work out to private contractors.

In dealing with the heading of Health a little ago, Mr. President, I omitted to comment on the Public Health section of that Department. I notice that much publicity is being given recently to the introduction of the Rodent Control Programme and it is not clear from this Speech whether the Programme has been instituted at the George Town Garbage Dump or merely that the Garbage Dump has been expanded, but recently I read where a Member of the Agricultural Department had commented on the number and obvious good breeding of the amount of rats at the George Town Garbage Dump at night and also of dogs, and I would hope that we are not going to miss the forest for the trees and allow that situation to continue. I also understand that the fly nuisance at the Dump is a serious one and I would hope that this is going to be corrected.

I am happy, Mr. President, to know that yesterday we dealt with a new Public Health Law it was considered that the old law did not give enough power to deal with certain nuisances and health hazards, i.e. I understand more for fully enforcing Planning Regulations regarding sewage disposal and water supplies for developments, especially for sale or habitation by children because these are always built in very dense conditions even more so than single dwelling homes. And my observation of some of these developmen s, Mr. President, is that a long and hard look needs to be taken if we are not going to be faced with serious water and sewage problems. As other Members have stated, I think that central water, a proper water supply and a central sewage system is something that cannot be any longer delayed in these Islands and it must be given priority in the planning of our future development. In saying this, Mr. President, I think that the country still owes a debt of gratitude to those stout-hearted people who have provided the water supply along the Seven Mile Beach up to this time and that whatever action is taken, consideration of the interest of that company will be borne in mind. I do not know what would have been the outcome if that company would not have provided water on that strip during the last tourist season. I am not sure whether the demands that are being placed on it by rapid development is not straining its capacity, but I would hope, Mr. President, that it is able to keep pace until such time as a final decision is taken as to what will be the future of water supply in that area, because, as I said, I regard it as a very necessary and important element of development.

MR. PRESIDENT: Unless the Honourable Member is nearing the conclusion of his speech, I must interrupt business at this time.

MR. BENSON O. EBANKS: No, Mr. President, I am not nearly finished.

MR. SPEAKER: Perhaps the Honourable Member can hold his fire until tomorrow morning.

MR. BENSON O. EBANKS: Thank you, Mr. Speaker.

ADJOURNMENT

MOVED BY: HON. DENNIS A. FOSTER

QUESTION PUT: AGREED

HOUSE ADJOURNED AT 4:59 P.M.
UNTIL 10:00 A.M. O'CLOCK FRIDAY, 30TH JANUARY, 1981

STATE OPENING AND FIRST MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON FRIDAY, 20TH FEBRUARY, 1981

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS K FOSTER, MBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON DAVID R DAIRWICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LOCAL ADMINISTRATION |
| HON VASSEL G JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON BAIN C BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON JOHN B MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

| | |
|---|---|
| MR CARSTON G SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DALMAIN D EBANKS * | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR HERMON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR NORMAN W BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HOLDAR BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MANNY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR CRADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

* Absent in the P.M.

ORDERS OF THE DAY

FIFTH DAY

FRIDAY, 20th February, 1981

1. AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE FINANCIAL YEAR ENDED 31ST DECEMBER, 1979 TOGETHER WITH THE AUDITOR GENERAL'S REPORT THEREON.
AUDITED ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR THE YEAR ENDED 31ST DECEMBER, 1979.

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, THE HONOURABLE V. E. JOHNSON, C.B.E., J.P.

2. GOVERNMENT BUSINESS:-

BILLS:-

The Customs (Amendment) Law, 1981 - COMMITTEE THEREON

(i) The Grand Court (Amendment) Law, 1981 - REPORT THEREON
(ii) The Juveniles (Amendment) Law, 1981 - REPORT THEREON
(iii) The Summary Jurisdiction (Amendment) Law, 1981 - REPORT THEREON
(iv) The Traffic (Amendment) Law, 1981 - REPORT THEREON
(v) The Printing Of Papers Law, 1981 - REPORT THEREON
(vi) The Public Health Law, 1981 - REPORT THEREON
(vii) The Customs (Amendment) Law, 1981 - REPORT THEREON

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(i) The Grand Court (Amendment) Law, 1981 - THIRD READING
(ii) The Juveniles (Amendment) Law, 1981 - THIRD READING
(iii) The Summary Jurisdiction (Amendment) Law, 1981 - THIRD READING
(iv) The Traffic (Amendment) Law, 1981 - THIRD READING
(v) The Printing of Papers Law, 1981, - THIRD READING
(vi) The Public Health Law, 1981 - THIRD READING
(vii) The Customs (Amendment) Law, 1981 - THIRD READING

3. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND THE FINANCIAL STATEMENT.

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FRIDAY, 20TH FEBRUARY, 1981

10:28 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. I apologise for keeping Members waiting this morning.

(a) AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE FINANCIAL YEAR ENDED 31ST DECEMBER, 1979 TOGETHER WITH THE AUDITOR GENERAL'S REPORT THEREON;

(b) AUDITED ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR THE YEAR ENDED 31ST DECEMBER, 1979.

HON. V. G. JOHNSON: Mr. President, I beg to lay on the table of this Honourable House, the following:-

(a) AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE FINANCIAL YEAR ENDED 31ST DECEMBER, 1979 TOGETHER WITH THE AUDITOR GENERAL'S REPORT THEREON;

(b) AUDITED ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR THE YEAR ENDED 31ST DECEMBER, 1979.

MR. PRESIDENT: These documents are ordered to be laid on the table.

The Assembly will now resolve itself into Committee. The Assembly is in Committee. We are dealing with the Bill intituled "The Customs (Amendment) Law, 1981".

THE CUSTOMS (AMENDMENT) LAW 1981

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF CUSTOMS LAW REVISED.

QUESTION PROPOSED:

HON. V. G. JOHNSON: Mr. Chairman, during the debate on this Bill a request was made as to the amount of money which Government would lose by allowing this duty free concession. I now have the figures from the Customs Department.

On Milk revenue will stand to lose the sum of $12,800.00 for the year. On coffee the loss will be $10,400.00 for the year, and on sugar the loss will be $17,000.00 making a total loss of $40,000.00. That is based on the 1980 imports.

Of course, Mr. Chairman, taking item (b) and (c), the calculation here is based on the 5 percent removal and the 7½ percent from the last item.

MR. BENSON EBANKS: Am I to understand then, Mr. Chairman, that the figures that were given represent the total revenue collected?

HON. V. G. JOHNSON: No. Not the total revenue collected, the total revenue that will be lost by the process of this Bill.

MR. CHAIRMAN: If there is no further debate on clause 2, I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE CUSTOMS LAW REVISED.

QUESTION PUT: AGREED. TITLE WAS PASSED.

MR. SMITHMAN: That concludes examination of a Bill intitled "The Customs (Amendment) Law, 1981", and completes our business in Committee for this morning. The Assembly will resume.

THE HOUSE RESUMED

THE GRAND COURT (AMENDMENT) LAW, 1981

REPORT THEREON

HON. DAVID B. BARWICK: Mr. President, Sir, I have to report that a Bill intitled "The Grand Court (Amendment) Law, 1981" was considered Clause by Clause by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: A Bill intitled "The Grand Court (Amendment) Law, 1981" has been duly reported and is set down for a Third Reading.

THE JUVENILES (AMENDMENT) LAW, 1981

REPORT THEREON

HON. TRUMAN M. BODDEN: Mr. President, I have to report that a Bill entitled "The Juveniles (Amendment) Law, 1981" was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: A Bill intitled "The Juveniles (Amendment) Law, 1981" has been duly reported and is set down for a Third Reading.

THE SUMMARY JURISDICTION (AMENDMENT) LAW, 1981

REPORT THEREON

HON. DAVID B. BARWICK: Mr. President, Sir, I have to report that a Bill intituled "The Summary Jurisdiction (Amendment) Law, 1981" was considered Clause by Clause by a Committee of the whole House and was passed without amendment.

MR. PRESIDENT: A Bill intituled "The Summary Jurisdiction (Amendment) Law, 1981" has been duly reported and is set down for a Third Reading.

THE TRAFFIC (AMENDMENT) LAW, 1981

REPORT THEREON

HON. G. HAIG BODDEN: Mr. President, I have to report that a Bill entitled "The Traffic (Amendment) Law, 1981" was considered by a Committee of the whole House and passed with the following two amendments:- Clause 2 of the Bill was amended in 7 (b) (ii) to change the figure 2 to 5, and Clause 3 of the Bill was amended so that section 63 (3) of the original Bill may have the following insertion made after the word "may" which appears in the first line of sub-section 2 of 63 a comma, and the words "while at a Police Station, hospital or other convenient place," added.

MR. PRESIDENT: A Bill entitled "The Traffic (Amendment) Law, 1961" has been duly reported and is set down for a Third Reading.

THE PRINTING OF PAPERS LAW, 1961

REPORT THEREON

HON. D. H. FOSTER: Mr. President, I have to report that a Bill entitled "The Printing of Papers Law, 1961" was considered Clause by Clause by a Committee of the whole House and passed with the following amendments:- In Clause 2 under the definition of "paper" the last words "and published periodically or from time to time", were deleted, and the comma after "dispersed" changed to a semi-colon, and in Clause 5 the words "one thousand" were substituted for "five hundred".

MR. PRESIDENT: A Bill entitled "The Printing of Papers Law, 1961" has been duly reported and is set down for Third Reading.

THE PUBLIC HEALTH LAW, 1961

REPORT THEREON

HON. THOMAS M. BODDEN: Mr. President, I have to report that a Bill entitled "The Public Health Law, 1961", was considered by a Committee of the whole House, and passed only with an amendment to the marginal note of section 17 by altering the word 'to' therein to the word 'by'.

MR. PRESIDENT: A Bill entitled "The Public Health Law, 1961" has been duly reported and is set down for a Third Reading.

THE CUSTOMS (AMENDMENT) LAW, 1961

REPORT THEREON

HON. V. C. JORDAN: Mr. President, I have to report, Sir, that a Bill entitled "The Customs (Amendment) Law, 1961" was examined by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The last Bill entitled "The Customs (Amendment) Law, 1961" has been duly reported and is set down for a Third Reading.

THIRD READING

CLERK:
(a) THE GRAND COURT (AMENDMENT) LAW, 1961.
(b) THE JUVENILES (AMENDMENT) LAW, 1961.
(c) THE SUMMARY JURISDICTION (AMENDMENT) LAW, 1961.
(d) THE TRAFFIC (AMENDMENT) LAW, 1961.
(e) THE PRINTING OF PAPERS LAW, 1961
(f) THE PUBLIC HEALTH LAW, 1961.
(g) THE CUSTOMS (AMENDMENT) LAW, 1961.

HON. DAVID H. HANDICK: Mr. President, I beg to move, Sir, that a Bill entitled "The Grand Court (Amendment) Law, 1961" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

HON. THOMAS M. BODDEN: Mr. President, I beg to move that a Bill entitled "The Juveniles (Amendment) Law, 1961" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

HON. DAVID A. HARWICK: Mr. President, I beg to move, Sir, that a Bill intituled "The Summary Jurisdiction (Amendment) Law, 1961" be given a third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

HON. O. CRAIG BODDEN: Mr. President, I beg to move that a Bill entitled "The Traffic (Amendment) Law, 1961" be given a third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

HON. D. H. FOSTER: Mr. President, I beg to move that a Bill entitled "The Printing of Papers Law, 1961" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

HON. TRUMAN K. BODDEN: Mr. President, I beg to move that a Bill entitled "The Public Health Law, 1961" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled "The Customs (Amendment) Law, 1961" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

CONTINUATION OF DEBATE ON THE THRONE SPEECH AND FINANCIAL STATEMENT.

MR. BENSON EBANKS: Mr. President, I will continue my contribution picking up on the subject of Education. It is noted that grants to Private Schools will be doubled during this year. I agree that this is a good move and that it is money well spent, as these Schools provide for 30 percent of the School population in these Islands.

Mr. President, there is one aspect of this situation which disturbs me somewhat, it is well accepted that children attending Private Schools are in most instances from the more affluent families in the society, and these Schools cater for children from in most, instances kindergarden age. In the Government School system they recently, with trumpets and much fanfare reduced the admission age to four year six months or five months, there is some dispute as to which it is. This gesture Mr. President, covers all of a half day's reading under the tutelage of teachers with varying degrees of qualifications right down to an untrained teachers aid in the case of the West Bay school.

The point I am making, Mr. President, is that it is in my opinion unfair for the children in Private Schools subsidised by Government to be at an advantage over children in the Government system. It is recognised that the early years of a child's life are the most fertile mentally, and that learning patterns are best established between years three or four, and seven. Private School children have the advantage of at least one year extra primary education over those in the Government system, Mr. President, I feel that this should be corrected, but again, this gesture of lowering the age at which children can be admitted to Government Schools at four years six months, is again something I drew attention to yesterday, not something that had a lot of forward planning, but it was rather a reaction initiated last year in September.

Mr. President, as far as I can gather that the introduction in the system without proper thought is causing quite a lot of confusion. The complaints that arise are too numerous for me to try to enumerate, but suffice it to say that it is not uncommon, at least in West Bay, to find one

MR. DEREK BRAMWELL (CONTINUING): of those children who has been dismissed from School at 11:30 still standing aimlessly around the compound at 2:30 when the rest of the School is dismissed.

It is my contention that it is high time that Government faces up to its responsibilities, and provide a defined and recognised course of study, for children (of course at the parents' option), from the age of at least three years nine months. It is true that the total results in the Ordinary Level of GCE and CSE examinations at the Cayman High School are being maintained, but it is disturbing to see that the results of children with four or more O'levels are remaining static, and in fact the number with seven O'levels actually fell in 1990 to its lowest level in three years. There were two children who achieved seven subjects in 1990 and one of these of course being what would be considered an exceptional child, got the seven students at grade A.

I am not sure what the possibilities are in 1991, but I know that the prospects in 1992 are not encouraging as many children are only being allowed, or able to take six O'levels because of the arrangement of options, many children were unable to get the subjects that they requested, either because of a shortage of teachers or the arrangement of options.

The School should have found its feet by this time, and I am disturbed at the maximum approach to this matter. When Teachers are approached you are given a stereo typed answer, that after all, all you need for entry to a British University is 5 O'levels and of course the requisite 'A' Levels. What seems to be being now linked to the fact that children coming out of this School have to compete for entry into Universities abroad with children, who in many instances in the United Kingdom have 8, 10 and 12 'O' Levels, and even if the children are successful in gaining admission they still have to compete with these children when they enter University. It is no wonder that many of the young people who are being granted scholarships are not able to cope with the work and find themselves back home after short periods.

I am suggesting that it is time that the School set its sights higher, and offer a wider and greater choice of subjects at the O'level. Then and only then can we say we are making progress.

Mr. President, it is my understanding also that litter again is becoming a problem at the School, the situation is deteriorating, and that laundry supplies have been in short supply at the School since September.

It is in my opinion that there can be little comfort in creating wonders in the financial world by reducing import duty on Coffin while at the same time not being able to keep the Schools supplied with toilet paper. I am grateful to you, Mr. President, for intimating that the fifty-four scholarships mentioned in the Budget Address in fact represents only eight new scholarships granted in 1991. The way it was presented in the Financial Statement one could easily have got the impression that fifty-four new scholarships had been awarded during 1991.

Community College: it is my opinion, Mr. Mr. President, that the time has arrived when this institution should be given the recognition which it is due, and placed on a solid foundation with its own staff. It is clear that the College has been accepted by the public, and the initial arrangement of having it run and staffed by Teachers of the High School was only intended as a stop-gap measure until the institution was established. Teachers at the Cayman Islands High School are only human, and with the best will in the world someone will have to get short changed when a Teacher is called upon to work night and day, when the College demands so much of their time as it is nowadays.

The Genetics Programme. Mr. President, I am very upset that in this Year of the Disabled Child, that for the last three weeks, the Lighthouse School has not been functioning normally. In fact, for sometime its operation has left much to be desired, if my information is correct, and I have no reason to doubt it. Mr. President, this is a situation that cannot be tolerated and must be put right promptly. It is noted that the new School has been built and placed under the administration of the Education Department with

HON. BENSON EBANKS (CONTINUING): effect from January, 1981. I wonder why the School is not yet in operation. It is my fear that again maybe not sufficient research and forward planning has been put into this School. I believe that the pilot project should have been very thoroughly evaluated to ascertain to a degree where or how or on whom or what could have been taken at the learning capabilities and capacities of the students to be housed there, or taught there. Only then would a proper building have been constructed and designed or designed and constructed and equipped. In my opinion no blue prints for the School that we need in Cayman is to be found elsewhere.

The Census, Mr. President I trust that in analysing the figures for the composition of the labour force, that is the ratio of Caymanians to non-Caymanians, it is realised that when the Census was taken in 1970, there was no persons of Caymanian Status included under the heading "Caymanian", as the Caymanian Protection Law, 1971 conferring status came into effect only in 1971. Therefore the improvement in the ratio of Caymanians to non-Caymanians in the work force could quite easily be distorted in their way since many persons who should have been regarded as non-Caymanians in 1970 automatically became Caymanians by right, or to have Caymanian Status by right on the coming into effect of the Law in 1971, thereby increasing the number of Caymanians, which term as I read the document correctly, I understand to mean persons of Caymanian Status, and decreasing the number of non-Caymanians accordingly. I have made this point, Mr. President, because I think it to be relevant in any consideration of any quotas for principal exemption licences that are being considered in 1979.

Cayman Airways. Mr. President, as you pointed out in the Throne Speech, a sub-committee of Finance Committee of this Assembly has been established to examine the operation and structure of Cayman Airways. Being a Member of the Sub-Committee, which has not yet reported to this House, I will confine my comments in the main to those matters raised specifically in your speech.

HON. G. HAIG BODDEN. On a point of order, Mr. President, the report of the Committee set up or stemming from the Finance Committee should not be made public until it is reported back to the House.

MR. PRESIDENT. As I understand the Member speaking, he usefully said that he would not be giving information as related to the Committee's deliberations but was proposing to make remarks of a general nature.

HON. BENSON EBANKS. Thank you, Mr. President. There can be no doubt, Mr. President, that Cayman Airways is here to stay. The whole reasoning behind the formation of Cayman Airways in the first instance (and here I refer to Cayman Airways from its inception in the early days), was to protect the rights of the routes available to these Islands to the United States thereby insuring a reliable measure of earning for the Tourist Industry and the Off Shore Finance Industry, and job earning the bread of those who live in these Islands.

It is my opinion that the problem with Cayman Airways of late has been the fact that politics have played too great a part in its organization and functioning, and as a result economic realities have been given less consideration than they are due. The most tragic thing about the whole matter in my view is that the unsuspecting public of these Islands have been misinformed about the financial operations of the Company, even from this House. The revelation that Government has had to make cash advances to or payments on behalf of the planes will, I know come as a shock to many of my constituents many of whom believe that these planes have been paid for from their own earnings. So rosy has been the pictures painted, Mr. President, about this airline from this House in the past that it is no wonder that my constituents have reached that conclusion.

I can only say, Mr. President, that I have that the examination by the Sub-Committee and the Advisor will be all embracing and result in realistic future planning for the airline, an improvement, the lack of which in my opinion characterised the operation since 1977. I am not prepared

MR. BENSON HANNS (CONTINUING): to state or accept, Mr. President, that the problem with the airline is its high debt servicing cost. In fact as recently as November, 1980, when presenting the audited accounts of the company to the 30th June, 1979 to this Honourable House, the Chairman of the airline, the Honourable Member of Executive Council for Tourism, Aviation and Trade said, and I quote "looking to the financial future I see clear skies, most of the heavy costs of starting up are now behind us and we know where we can bear the heavy cost of finance, and with the generally healthy out-look for Tourism etc. the introduction of new flights and our wonderful staff, I am looking forward to presenting the 1979 to 1980 accounts in due course." I will say no more on this subject at this time for reasons which I stated earlier.

The challenge of rapid economic expansion, Mr. President, the concern in the community that the country is growing too fast, is well founded. Some people in this House and outside seem to measure progress by mere dollars and cents, and brick and mortar, and I have often heard the present economic activity described as an economic miracle brought by the all powerful and all wise Government which was elected in 1976. I would like to remind Members, Mr. President, that all progress is development, but not all development is necessarily progress. The Members of the 1976 Government to whom I refer, spare no opportunity to attempt to give the impression that the down-turn in economic activities experienced in the Cayman Islands in the mid 1970's was self-inflicted by the actions of the Government at the time: nothing could be further from the truth, Mr. President. This country, like countries elsewhere at the time, felt the effects of the world wide recession and if one looks at the country's financial position for 1975, and 1976 it will be readily apparent that the economic recovery had commenced before election in 1976 and on reflection I am sure that consensus is that the territory did not fare as badly as it might have from that recession.

It would be well for the present Government to realise that any down-turn in the economy now, (and let us not kid ourselves the possibility exists), will be far more catastrophic than the down-turn in the mid 1970's. I would suggest further that the possibility of a self inflicted down-turn at this stage is far more likely than it was in the 1970's.

People are beginning to wonder about the effects of dense development in areas without adequate sewage and water facilities. People are concerned for the lack of adequate planning. If our economy is properly managed we should not have too much to fear, there are forces at work in favour of these Islands, that were not there in the mid 1970's in fact the very forces which brought about the world wide recession in the mid 1970's is now working in our favour. For example, the fear of the non-availability of heating fuels and the high cost of these fuels even if available in North America and Canada is a real incentive for nationals of those countries to buy second or Winter homes in these Islands. However, if we allow undirected development to result in sub-standard buildings and amenities, or inflation to get out of hand with its resultant lack of services, then the country is in trouble, and serious trouble. I do not think it would be any secret, Mr. President, if I said that the Honourable of this House would record where I said on many occasions that the soundest thing to achieve is managed development, all that is necessary to allow it to happen is for Government to release all semblance of concern, put its foot on the gas, forget the brake pedal and away go. But planning and direction of the economy must be exercised regardless of how unpopular the solution may be. No one is advocating the stopping of developments, Mr. President, only someone who had taken leave of their senses could do that. What is advocated is a planned orderly development so that the benefits of the construction industry to the average wage earner can be extended over a longer period of time, and that the quality of life for residents and guests in this country will not be impaired or destroyed. Quality of life is a short and simple statement, but its ramifications are vast. As the people's representatives it is our duty to enhance the quality of life in these Islands and this can only be achieved by forethought and planning.

Leading Mr. President, you have quite rightly stated that by Caribbean standards, housing in these Islands have always been

MR. MARCUS EBANKS (CONTINUING): considered amongst the best. However, the recent census information should remind those of us, who needed to be reminded, that it is time that we lift the veneer that has existed in this country and take a look at our housing situation. It is time that Government take the lead in providing some form of assistance by way of long term low interest finds for people to build homes. I do not feel that the problem can be brushed under the carpet any longer and I am gratified to see that Government has the matter under consideration, however, Mr. President, I am not satisfied that the solution proposed in the Throne Speech or offered by the Bill presented to this Honourable House yesterday, whereby changes are to be levied against estate title development is the answer. That Bill has a lot of ramifications and I would advise long and cautious study.

Mr. President, during 1981 I would like to see Government take some step to acquire adequate access to the sheltered waters of Governor's Pound for the use of boat operators. Not only is the situation desirable for the purposes of offering shelter during storms, but it is an amenity that has come to be taken for granted by many who are using the facility and if denied this amenity, through development it could have serious repercussions on our social fabric. The area seems large enough to accommodate this, and I will, of course be more specific on this request during the committee stage of the Estimates.

I welcome the provision made in the Estimates, Mr. President, for the construction of a sports-cum-cultural centre and for parks. I will naturally be examining these items in the committee stage, but I would trust that the provision in the Estimates is not over looking the needs of the individual districts for proper playing fields because in my opinion it is of little use having a central centre of the people who live in the out districts have no where to develop their skills.

Mr. President, I also hope to see consideration given during 1981 to the construction of new roads in my district especially the road linking Lower Pleasant with Bodden and the road linking Birch Tree Hill with Scain Bay.

Mr. President, at this point I would crave the indulgence of this House to allow me to elaborate on a proposal which I made yesterday in respect of the repatriation of Cubans of Caymanian origin. I wish to emphasize, Mr. President, that I realize that many of these people will be persons of dual nationality and some may not have the automatic right of entry here, nonetheless if we have to bring in labour I can still think of no better place to get it. These people when they were permitted to, kept close contact with these islands and their ways of life. Their ways are not dissimilar to our own ways, they speak English, and they have been told from parents and grand-parents, if not from personal experience about the way of life in these Islands. Someone in this category who came from Cuba, in the late 1960's and contributed to our town in the early 70's proved good and desirable citizens.

I would advocate that persons wishing to come, be processed on our behalf by the British Embassy to ensure that all who come are desirable. I have no fear, Mr. President, of these people bringing communistic doctrine to our shores. I feel strongly that rather than bringing communistic ideas to the Cayman Islands they would be the strongest advocates against it, having suffered under its practices and applications for so many years. I feel that we should have more fear of this type of doctrine being introduced by nationals of countries who have not yet experienced its application, but where the doctrines are accepted as the solution for the social ills of those countries. So, Mr. President, I want to make it clear that I am firmly this believing and convinced that we are not introducing any foreign ideologies to our shores.

Mention was made in the Speech of labour legislation. I welcome this news Mr. President, and I hope that it will include some form of retirement benefits for people.

Mr. President, you also touched on the question of the petition which you had received from the people in the East concerning their right to representation on Executive Council. It is difficult for me to speak on this issue at this point, Mr. President, because I have taken the stand that I will not discuss or change the constitution in any way without

MR. BENSON EBANKS (CONTINUING): ...first consulting my constituents, but I would like to go on record as saying that I can appreciate the feelings of the people in the Brac and Little Cayman being separated as they are by water from the main Island, and I would have to go on record as saying that whatever be the outcome for Cayman Brac and Little Cayman, I could not support the idea generally in the constitution for Grand Cayman that places be designated as geographical areas for Executive Council. But as I said I can understand the resentment that the people in the Brac feel from the seat of Government in George Town, and I am sympathetic to their feelings and when the time comes we will have to give it serious consideration.

Mr. President, my contribution to this debate has been more lengthy that I am normally accustomed to be. But as I said at the beginning, there were some seconds to be put right, and I view the role of Members to scrutinize the policies of Government from time to time, and this is the one opportunity we have of doing it publicly. I also said that I expect a lot of reaction when the time comes for the Members to speak, as my shoulders are broad and I assume them they can have a good fling. But no one or no group, Mr. President, has all of the answers to our needs of any other country or its problems, and no Government will ever finish the task of providing all that is needed for its people, that is why Government is an ongoing and continuous exercise.

Meanwhile, I trust, Mr. President, that what I have said will bear some fruit in 1981 and for years to come. I thank you.

HON. V. G. YOUNG: Mr. President, I would just like to mention, Sir, that I am not ready yet to exercise my right to reply to the Financial Statement.

HON. JOHN B. MILLAR BODDEN: Mr. President, may be if we would adjourn this session till Monday morning, we might get some more action.

MR. PRESIDENT: There should be time to take at least the beginning of one further speech before lunch.

HON. TRUMAN M. BODDEN: Mr. President, I doubt if I am going to finish before lunch.

Firstly, I would like to commend you, Mr. President, for the thoroughness and precision in presenting the Throne Speech, those are qualities which are unique to colonial Governors and I hope, Mr. President, that you will deliver many more of those Speeches.

To the Financial Secretary, I also commend him for his able delivery of the Budget Address, his thoroughness and especially his unique and peculiar understanding of the economic situation within these Islands.

I will be dealing with aspects raised in relation to my portfolio in some detail, but I will also be dealing with other areas, Mr. President, that I regard as important, and part of that will be in relation to the past history especially as the Honourable Third Member from West Bay went into in so much detail and the Third Lady Member from George Town. Memory in relation to the past, Mr. President, I am always aware that as Caleb Dilgeon said "many are always envious by-gone time, for it is natural that the old should extol the days of their youth, the weak, the time of their strength, the sick, the season of their vigour and the disappointed the spring-tide of their hopes." With that in mind, Mr. President, I will deal with certain aspects of the past.

In relation firstly, to immigration the policy that you have set out in it relating to a multi-year permit for personnel, excluding key personnel within the different aspects and forms of the private sector, is I think a sensible policy. This was dealt with in some detail by you and it is a policy that is in line with countries throughout the world. If people who come to this country, all people, must remain, then it is very obvious that sooner or later we will have very serious problems from an immigration and social point of view. On the other hand, Mr. President, the

HON. EDWARD H. BODDEN (CONTINUING): admission of persons to Caymanian Status must be one which is fair, and equitable, and not as was inherited by this Government in 1970, where back up periods would have resulted in probably seventeen years under the present system, that would not be fair.

The United Kingdom Mr. President, in a statement on immigration made last year, set out very clearly that they have had immigration problems as a result of a policy which was not as stringent as it should have been. For instance, they are now recommending that to get the equivalent of what would be Caymanian Status here, that is the right to be self employed, for example, in a profession, that the applicant has to ensure that £ 100,000.00 has been placed within business in the United Kingdom and that it remains there free from encumbrance. That may seem to be a phenomenal amount but it gives them the right to a permit in the first instance for one year. Further, the British Nationality Act of the United Kingdom which presumably will be introduced in due course, does tighten considerably the position and shows very clearly that an immigration policy which is an open policy as recommended especially during the last elections and in this House from time to time, is definitely not a solution to the problem. There are two exercises relating to immigration, Mr. President, there is the open policy and what has been referred to as the bottle-necking policy, you either open the gates, let people in, and then you try to deal with the people who are in there by sending back out the ones who are not desirable. The other policy is to bottle-neck it at the beginning, to sort out immigrants as far as possible and to let in people after proper screening, that will probably be material for Caymanian Status.

This Government, following the policy in most countries, excluding perhaps Australia in the early days, and Canada in the early days, has taken the more orthodox policy of endeavouring to screen people and bringing in reasonable amounts of people, over a reasonable period of time. This country must always bear in mind that if you create a country within a country you will inevitably have the problems which the mother country has seen in the last decade and a half, and those problems, Mr. President, ultimately lead to strong legislation and strong policies which our mother country's lady Prime Minister is now going to introduce.

Remarks have been made from time to time about the need for more Attorneys, and this presumably is a direct effort to single me out, and I would just like to comment on that. The policy relating to Attorneys and the amount of new Attorneys allowed in the country, like all other professionals and all other people, is subject to the immigration policies, and the implication is that we should apply those policies to other professionals, but we should open the doors and remove the type of immigration that we have from that of a quasi-Caymanian attitude to an open policy. If this Government allowed the request for immigrants and employees to marry bank, every firm of Attorneys, every firm of Accountants, many builders, then, Mr. President, this little Island could not hold them. And the effort is to ensure that a reasonable supply is given there, where there is a genuine demand. I do not regret, Mr. President, nor am I ashamed that I hold ten qualifications, and if the penalty for my having qualified is to consequently endeavour to single out my profession, then I am quite happy to pay that penalty.

The reaction, as the West Bay Third Elected Member inferred to would be somewhat different if that increase was unreasonable relating to, for instance, the retail trade or the pressure on the sports fishing and water sports industry, or any other industry where there are an abundance of Caymanians. The protection has to be applied equally within the areas of professionals, technicians as well as the less skilled areas.

One aspect that I would like to see dealt with and it has been raised many times, is to ensure that Management Companies within the Islands comply with rules which are somewhat akin to those for Trust Companies as they do carry on a business very similar to the business of Trust Companies. Without the necessary control in that area, Mr. President, I believe that these Islands will probably suffer as a result of actions which may not have been taken if the proper banking controls and Trust Companies controls were

HON. WILLIAM M. BOODY (CONTINUING): placed on these Caymanian. A Caymanian is a bona fide man and a person carrying on that business I feel the time has come that certain rules should be applied to them.

The United Elected Member from West Bay questioned the admission of Cubans into this country, who have come affiliation presumably to this country. Mr. President, this was one of the biggest mistakes that the Batista administration of the United States made, when they believed that one hundred thousand entrants into that country would all be good people who would promote the capitalist country of the United States. I would have thought that that would have been an eye opener to anybody who endeavoured to fill any gap which they think may exist, immigration wise in this country by bringing back here people who have spent at least two decades and a half in a communist country. Now I have certain sympathies for people who are in those countries, and have been born here and from here. When I say that, but the situation has to be looked at in the light of those immigrants back here as against the Island as a whole.

There is quite a difference between bringing in people from another country, for instance America, or the United States, or the United Kingdom, between bringing in persons from Cuba, and I would have thought that in the event that the Third Elected Member from West Bay want this, he would have done a certain amount of research that would have drawn the distinction between these two types of immigrants. The difference, Mr. President, is very subtle if it is not looked at in the light of the de facto situation of the two types of immigrants. The immigrant from Jamaica or the United States or England is here on a temporary basis; if he is undesirable he can be repatriated back, his permit can be withdrawn or not renewed and under the Law he can be dealt with. On the other hand, if you bring here persons who are Cuban nationals (which they will now are) then, Mr. President, you may not be able to repatriate them as the United States has found, in the sense that undesirables come with them. That, Mr. President, brings into effect what I am sure that the Member does not perhaps know quite, but there is an International convention on stateless persons and there is an International convention on refugees, and if he had read this and reasonably looked at the definition of what is a refugee he would have realised that once he brought the national of another country in here and there was a probability of persecution then that person becomes a refugee under that convention, and the United Kingdom have not adhered to it. So, Mr. President, are obligated not to embarrass the mother country by departing from it. So the difference is very distinctive in that one is a problem that can be rectified, and the other is a problem that we are left with permanently.

I would like to remind this House, and as I am sure you, Mr. President know, of the famous statement of Sir Winston Churchill when he said "a Communist is like a crocodile, when its open its mouth you cannot tell whether it is trying to smile, or preparing to eat you up," and with that in mind I would caution the Member from West Bay that statement is one that has been proven over the years, and it has never been to the best of my knowledge distinguished or derogated from. Therefore, Mr. President, I think that the suggestion of any open policy relating to Cuban refugees which they would have to be, because there is no way of them going back, is one that anybody putting forward should look extremely cautiously and I guess frankly at this stage, I am against it and I do not mind saying that. While I have certain sympathies in relation to perhaps persons who are born here, lived a large part of their life here, there is no way that anyone can tell me that a person who has spent two and a half decades in a communist regime can come out of there and be a good capitalist.

That, Mr. President, is where I think Sir Winston Churchill's phrase brought out very clearly the rigidity and the indoctrination of that system, which is very alien to this country. Because there, Mr. President, that system that we have of free enterprise is the reverse, they have plans for the private sector. They prepare plans that deal not with the Government side but they have the plans for the private sector, which were suggested in the last election, I think, perhaps by Members within this House now, and which the public rejected. It is a part of a system which is alien to this country, and I, Mr. President, have stated here many times that I will go to

HON. EDWARD M. BODDEN (CONTINUING): any lawful avenue to ensure that our system as we know it remains, because it is the best that any country has ever produced, and it will always be the best as far as I am concerned.

I am somewhat sorry to hear that the increase in the allowance for Executive Council Members should have been blown out of all proportion, but the Government was saved four years of a salary increase by the Executive and this Legislature itself adopted the Mills report, or the Government adopted it, and there was no objection here and this is only in compliance with that. It is nothing beyond it at this stage.

I wish to compliment the Legal Department, and Legal Administration for the able way that they have presented the laws, many of which have been technical and difficult and for the very able way that many times very quick amendments have been had to be dealt with in the House.

I will go on now to deal with the Lands and Survey Department fairly briefly. This is a very important part of the economy of the Cayman Islands. There has been quite an increase in the number of land transactions and this Department has very ably coped with the rapid increase in the number of applications and transfers. The reference to property being over built on a roadway development which I will deal with that at a later stage, in relation to land is one which I would like to just draw one or two distinctions.

I understand, Mr. President, that an area well in excess of 40 percent of the property as at, I think about a year or two ago, was still in the ownership of Caymanians. The area along the Seven Mile Beach, everybody knows is the subject of large condominium projects and numbers have and a lot of members of the public have been involved in that boom one way or another. However, for the past 30 years, Mr. President, very little of the land on the Seven Mile Beach has ever been in the hands of Caymanians, a lot of this was sold or alternatively as the question the Lady Member for George Town brought out was leased by Government a long time ago, and traditionally Caymanians have really, at least not in the early days, ever favoured building in that area.

A reference was made to the fact that the prosperity of this country lies on our policies and this was the Honourable Third Member from West Bay, one of those was the Government guaranteed title that was produced by the Registered Land Law. Mr. President, this Law is one that I spent a lot of my life on, the last eleven years of practice, and I would ask your indulgence merely to read what is guaranteed, and what in fact, which is very brief, and it comes out under the right of indemnity which is 141 (1) of the Registered Land Law. "Subject to the provisions of this Law and of any Law relating to the limitation of actions, any person suffering damage by reason of any rectification of the register under this Law or any mistake or omission in the register which cannot be rectified under this Law, other than a mistake or omission in a first registration," it goes on to paragraph (e) "shall be entitled to be indemnified by the Government out of moneys provided by the Legislative Assembly."

I am not going to elaborate on this, but it is very obvious that disputes which had existed under the old conveyancing system, would have had to have been judicially settled completely otherwise the first registration carries with it no Government guarantee in that event, and if the Member looks at that he will see to make such a sweeping statement I felt should be corrected in the light of what the Law really is, and not perhaps what he meant it to be when it was passed in '71. But that is not completely correct. The statement was made because the Law, and I won't say like anyone to believe that this Government would be guaranteeing in that instance.

The Planning Department, Mr. President, is somewhat connected with the Lands and Survey in the sense that it deals with the use of land and the order of development on it. Here again there has been a very large increase in the number of plans dealt with by the Department and I suppose the introduction of a building code which is national concern the minds of the Islands, which is dealt with, and commented upon by sections of the

HON. TRUMAN M. BODDEN (Interpreting): community which affects them, and naturally which is in accordance with the wishes of the people of these Islands. The plan prior to 1977 created a considerable amount of chaos, it created uncertainty, it created disappointments for investors who would purchase property and find that there was no ready way of ascertaining to what extent or for what purpose the land may be used.

An implication, Mr. President, that the old plan which brought about the demonstrations of the hot summer of 1970, was good for this country, Mr. President, after one decade of its operation this country, I believe, that it is not only a lack of foresight, but as I mentioned earlier in Dryden's definition, "it is the disappointed who are reminiscing the spring side of their hopes, or the weak, the time of their strength."

One thing that that plan brought us very clearly, Mr. President, is that we as Legislators represent the people, the day that this House attempts to pass measures which are not in accordance with the wishes of a majority of the people of these Islands, whether we regard it as good or not good, Mr. President, it has the sanction which the Government in 1970 so blatantly had to face. So, if the approach that the Government in 1977 took of going to the people, creating conditions, asking them to comment on the plan, and then producing a plan and regulations in accordance with the wishes of a majority of the people had been carried out, and it is the only honourable way to carry out such a serious matter, then there would have been no problems, which arose in the 1970's.

That plan had what is England anyhow used to be referred to as white areas, where there was no zoning, nothing on, and it was left in a discretionary way, and that could never create the certainty to induce investors into this country. Looking, Mr. President, at the Planning Department as it now is, with the plan and regulations and law, one surely has to compare this country's position now with what it was in the hot recessionary summers of 74, 75 and 76 and you will realize that anybody with any common sense could realize that the results are there. We have good results, and I believe it is the duty of every elected Member here, whether they were part of the old development plan or not, that they should at least see the light now, and try to get on the band wagon, which is moving on to success.

Some of the problems that arose under the Registered Land Law, the Land Adjudication Law, and the Conveyance Law, resulted in considerable amount of appeals relating to many land which the Government at that time through the department in charge of the registered system in my opinion went and took property which or on a basis which it had not done in other areas, that was clearly very inequitable, and it has been reversed out by this Government and I think that now all people relating to whom land that were involved have been dealt with fairly and equitably, and they have been taken out of the humiliating subjection of the submissions made in court by the Government back, when I say that I mean of the people presenting it for the Government, way back in the early 70's.

Mr. President, as it is now 12.40, I am wondering if you would wish to suspend at this stage.

MR. SPEAKER: The Honourable Member wishes to resume his speech after lunch, is it?

HON. TRUMAN M. BODDEN: Yes Sir, but it would be a considerable time because if I go on now it could be another ten or fifteen minutes before....

HOUSE SUSPENDED AT 12:39 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

HON. IRUMAH M. BODDEN: Mr. President, the Department and portfolio of Communications and Works, has received compliments from what normally is the opposing side of the house, and that I think speaks for itself. I would especially like to thank them for the efforts they put in assisting the Public School System and the way that they efficiently worked under pressure there and produced what is a very fine building, also in relation to other matters within the schools, and the hospitals. We have to always be minded, Mr. President, that that portfolio only has the capacity to do so much, and beyond that then it is a matter of priority before any other less important matter to deal with.

Moving on to the medical side of my portfolio, Mr. President, much has been said about action and reaction, and I would like to examine those words from time to time in what I interpret them to be being, or meaning within the English language. The question of whether a matter is properly dealt with or a problem properly solved, whether it be from action, reaction or any other non-interactionary word between those is, in my opinion - not very relevant. This House should endeavour to solve its problems. For instance, Mr. President, if there had been reaction, if you wish to use that word, in 1976 to the wishes of the people, then there would not have been the motion of the electorate in 1976, in removing fully in a hurricane sweep, the full House, or the full elected membership of the Executive Council. However, if action or reaction had been taken at that time then, Mr. President, once the problem was solved regardless of which it was the position would have been preserved.

In relation to whether within the Medical arrangement there is action or reaction, I have set out very clearly what the policies on the Medical Department are. You know, Mr. President, when I took over office in 1976, I was astounded to know that there were not in place any policies, any written policies, any communication matrices within the Department, and quite frankly I had all sort of actions and reactions in many, many ways. Because some of it is important to this House that you have Standing Orders under which it works, which will cause you to know with certainty what the procedures are and how the business of the House is to be conducted in an orderly manner, so it is important, Mr. President, that there be written policies within the Departments.

It takes ability, it takes an understanding of the problem to do so but more than anything else, Mr. President, it is vital to the public that there be set policies which are put out in a democratic manner to the public, which are looked at and criticised and which the Member has sufficient broadness of shoulders to go out there and say to the public 'you criticise it, you alter what you wish, you ask me the Member anything you wish,' and at the end I will humbly produce the policies which are in accordance with your wishes. The House, Mr. President, is democracy, and that is one of the things that the medical side lacked, and lacked very seriously.

You know, within the Islands we have laws that deal with the governing of it; we have regulations, but within the Medical Department there were no policies, therefore it was nearly like a ship without a rudder. There was no way to tell where it should go, or where it could go, or where it would go. Now, Mr. President, these policies were brought in, in a democratic way. They were looked on by this House, they were laid on the table, they were exposed to the public. I extended the time as I always do, because there are always those little couple who will come and say 'I did not get enough time', and very clearly set out in these in a printed form are for once some rules, some discipline, some morality. So, Mr. President, I think that anybody who endeavours to talk about having action without a set of policies must clearly be within the area of reaction, because they have to make the policies as the problems arise. Failing that, they would have to be in a world where within the department there were no problems, therefore there were no policies to guide them.

This document took a lot of time, and it took a lot of effort on the part of a lot of people including especially the hospital staff to produce, and if the Third Elected Member from East End was to look carefully at these, he would find that set out in these are a comprehension set of policies. Now he knows, and he must know that within the constitution, the discipline of staff, the promotion, the employment, the determination and other conditions are clearly not the responsibility of the Member, and, Mr. President,

HON. NORMAN K. RODDEN (CONTINUING): I understand the constitution and I will never interfere or cross over that line. So to endeavour to confuse the two in an effort to achieve a purpose is really going ultra-vires of a constitution, in my opinion.

The matter does not really stop there, these policies came in, back about two years ago now, and they set out very clearly steps that are going to be followed, and now as time moves on and the implementation of this arises, there becomes certainty in an area where there was uncertainty. Mr. President, the reaction in fact by people is firstly one of frustration and resentment, but as they move on, as I have shown the education policies, they learn that once there is certainty, and once there is order then it is in their favour, it is in this Government's favour and a happy relationship will result. These policies are now in the early stages of implementation.

You know it would have been a much easier task for me, if I could have gone in there and with certainty been asked to figure out how that department was being run. Anybody coming in (and if I had not been back in there) would have picked up this document, and they could have seen very fairly and democratically that I have been open, I have been fair and I have produced a document that I have signed my name to, I have passed it through this Government, through this legislature, and I am not in anyway either a reactionary or anybody who does anything on the spur of the moment.

Mr. President, this has been applied in different areas. I have always believed in analysing very clearly the position I believed in taking advice and at the end of that having consulted the people to whom I answer, the electorate, then I make policies and with that as this Government with the Public Health has, that is a fairly absolute and democratic procedure.

When I inherited the hospital, it amounted as it now still partly does, of a jigsaw puzzle of buildings placed sporadically or internationary, and all too. The main building which houses the general wards for instance, has two aisles one on either side with a central nursing station in the middle. That Mr. President, while I am not qualified in medicine has got to be a utopicity, because a nursing station in the middle with an aisle on either side, with nurses facing the wall can never be good administration.

I also inherited the problem of open toilets within rooms, with only curtains around them. As I mentioned earlier the hospital has no by-laws; these are now in draft, and they will begin to bring discipline and order in relation to the professional side of doctors and nurses and other staff in there. There was a very serious lack of equipment and supplies and most important, Mr. President, those many questions which are alluded to from time to time about not having sufficient medical supplies at least, Mr. President, I have introduced a system in there whereby these supplies, if properly administered, should be received, but what I inherited in that 1975 audit, Mr. President, was a lack of supplies which had been either stolen because they could not move by themselves, or missing in some way unlawfully. Those reports have been tendered on many times, but large amounts of dangerous drugs, large amounts of narcotics I think, one of them alone was something like 130 ampules of morphine, I think it was, were missing. If you really want to look at what the problem was then, that is what you have to look at and there will always be some shortages of drugs which are difficult to get or alternatively which perhaps are either misshipped, but what at this stage at least I can say to this House is that I have a system in there, because the hospital himself admitted there was no system. There was no control they could not figure out who was even responsible in the final analysis for the drugs.

There, Mr. President, are hard realities and while I do not mind telling you that I am not perfect at least I have brought in a system which is clearly set out in these policies which have the ability, if administered by proper staff, to bring about some order within that hospital.

I was never so shocked in my life as when that 1975 audit report came to this Honourable House and at which stage I asked for a further internal report, internal auditors report, and Mr. President, they produced many, many more surprises. So if anybody wishes to really see the stage we have improved from with a look of drugs to where we now are, they can

HON. TRUMAN M. BODDEN (CONTINUING): go through this 10 or 12 or 14 page document, and they will find in this what I think is probably one of the most alarming situations that could have arisen. There were drugs, for instance, on the shelves that were out of date, had never been removed, had expired and these are not out, and it is a public report here, and the shortages in some areas especially dangerous drugs were most worrying. Now the position clearly in relation to the control of supplies, has been laid down and they provide, Mr. President, which I am reading from a reorder quantity, a reorder period, a maximum consumption, a normal consumption, a minimum consumption, and my only duty as this House knows, is to ensure that this policy side of the portfolio is dealt with. If there is a staff problem which fails to carry out my policies, Mr. President, that is not my problem, no way alarm that may be raised, I assure this Honorable House is very minor compared to what I inherited. The position at the Hospital is that there is an increased amount of persons using the Hospital facilities and for instance in 1974 the persons published were 7405, and in 1980 were 489. On the major operations there were 150 in 1974, and 207 in 1980.

The Dental Clinic was up from 3748 to 10780. So at this stage, Mr. President, anybody who is saying that the Hospital is not being used has not taken the time to look at these statistics. Much was made of the increase in relation to the overseas medical allowance, and I would like to just point out two things here:- firstly, the policy in the past was to send all patients or substantially all patients to Jamaica to University of the West Indies Hospital and this allowed this Government to have a very large reduction in what were the normal fees there because we contributed as we still do. However, in the past few years due to certain circumstances beyond our control, the trend has been to send overseas medical patients to the United States where the cost is twenty, thirty, maybe forty times what it may have been in the University of the West Indies. On top of this, Mr. President, we have extended this policy to pensioners and their wives and a part of that does go to them. In fact, Mr. President, bills from the United States many times run in the area of US$20,000.00.

So at this stage, Mr. President, for the first time in the history of the portfolio for Health, the public has been able, with some certainty, to see that policies and now the by-laws which are being prepared are being brought into effectiveness, and I would like to stress once again, Mr. President, that my duty as you in your other capacity have clearly pointed out is to deal with the policy side of this Government for the portfolio, but my duty should not be, and I hope never will be that I must deal with the question of staff and conditions relating to Civil Servants. Once that distinction is clearly seen I think that it is my view that I have discharged my duty and I have produced policies if it is not being followed for reasons beyond the policy side of this, then first, Mr. President, is something over which I have no control.

In relation to Public Health, the Third Elected Member from West Bay mentioned conditions there, but, Mr. President, at least two things are mentioned, and garbage is covered instead of just being burnt, and more than anything else, Mr. President, at least visitors coming to this country do not fly over the dump as their first view of what the Cayman Islands are, because when we had that at the Owen Road I think it was really a disgrace to have a dump in the middle of Town over which the jet and our hundred thousand visitors got their first view of smoke and whatever else was in there. So I would think that that has improved, and once again, Mr. President, as has been seen from that Public Health Law, I am not unmindful of the problems that exist, but I try to deal with them in an organised or a complete and comprehensive way rather than doing it ad hoc, and if you look at the 1974 Public Health Law passed by this House you will find that it falls clearly within what Allen who wrote a book called "Law In The Making", an English Jurist, referred to as 'skeleton legislation', that, Mr. President, had absolutely no substance in it; it was merely, as the Lady Member for George Town many times informed us, merely a power for the Executive to do so. The Public Health Law that we have has substance; I have dealt with all major issues in it, I have put it to the public, and at the end of it I have ensured it is in accordance with the wishes of the people.

HON. TRUMAN M. BODDEN (CONTINUING): Mr. President, I have always had a tender feeling for Cayman Brac and Little Cayman, and I have always endeavoured to visit there, and to do as much as possible for those two Islands, because I have felt, rightly or wrongly, that in the past they have been neglected. In the past few years I believe that this House has unanimously voted reasonable and necessary expenditure that has been put forward by the then Member in Executive Council, and his colleague in this honourable House, and I assure you and I assure the people of these Islands that that policy has not changed, and I cannot see that it will change. In fact at present I am prepared to support in that budget estimate any reasonable measure that the Chief Secretary or the other two Elected Members would require. In fact, Mr. President, for the first time the Islands of Cayman Brac and Little Cayman have three direct representatives in this House, if we changed the constitution, it may never get that again. In any event, Mr. President, the question of changing of the constitution is a matter that is very grave, it cannot be done by the whims and fancies of the elected Members, it has to be put back to the electorate, if necessary there has to be a referendum on it, because, Mr. President, as every Member in this House knows, the United Kingdom has a duty under the United Nations charter and its subsequent resolutions, to endeavour, so was a word that is not much taken to determine; and the day that anyone in this country touches that constitution then I am certain that the United Kingdom is going to put the whole constitution in issue, and I think I know what is going to be the results at that stage. It is not the matter of us asking for a little bit and getting one little bit, the United Kingdom may ring out for a little bit and then, Mr. President, it is a matter that we have created perhaps a very difficult monster that sometimes not everybody understands how to solve, and I say that because it is a very complex matter, and whenever it do come into and my view is that it should never be touched, then, Mr. President, subject to the wishes of the people of these Islands, I would hope very sincerely that whoever endeavours to touch it understands it thoroughly, that they understand the ramifications, and they understand what the ultimate results may be.

Having said that, Sir, I can see and I do have certain sympathies with certain statements that have been made, but I think that the solution is not going to be in touching that constitution.

Moving on to Social Services, Mr. President, once again with Social Services, I have produced policies. I do not try to hide what my policies are, anyone who subsequently takes over this portfolio will find these, I do not take any pride in the announcement of these nor the other matters; I have dealt with these once again in a honourable way, I have considered reports from Churches, from Service Clubs, from organized societies related to Social Services, I have had meetings in the districts and I think at this stage, Mr. President, that anyone who endeavours to say that the three policies of my portfolio are not in accordance with the wishes of the people, must have their tongue in their cheek when they do so. I have always believed, as I set out in there, that it is the duty of every country to ensure that all of their people have the basic necessities of life and this will achieve that. These policies are comprehensive, but there are always people who endeavour to get results over-night and those results, Mr. President, normally only last for another over-night, they rarely can deal with the problem on a permanent basis.

Very little amount, in my opinion, was paid in the past to Social Services. If you look at the budget back in the early 1970's you will find provisions such as $3,000.00 which are now $250,000.00, and you will easily see that this is an area that has been completely neglected. The policies that are in force now are going to take a long time to implement. For me to stand here and assure that the necessary organizations and departments can implement these quickly, I would be very naive. They range from dealing with poor old ailing folk all the way through to matters relating to the library, drugs, alcoholism, sanitary conveniences, potable water supply, meals-on-wheels programme and nutrition committee, rehabilitation of prisoners and so goes on and on. They are not in my opinion perfect, they are not complete but I am always happy if anyone shows me any aspect that needs altering or needs adding to, I will happily do so and what would be good is instead of the constant criticism if some solutions can be produced, because that, Mr. President, is where you sort out the boys from

HON. MIKAIO M. SCHUCK (CONTINUING): the men, the boys can see the problems, it takes the men to solve them.

There is a very basic principle that has existed in English Common Law countries, and it has been part of the basic human rights is not to transport a person out of his country against his will. Now I see a very clear distinction between transportation as it was called in the old days and the bringing in of necessary personnel to deal with the administration of a Prison here. It is not fair practice that it can be mandated at the time, to take a person, even though he is subject to a period of imprisonment, out of his country away from his friends, his family and put him in another country. We have been under that system for a long while, and it was a necessity at that time but I am happy that this Government has taken the steps even with the introduction of United Kingdom Prison Officers here who will actually train our local Prison Officers to establish a Prison here that will preserve the basic human rights even of the prisoner.

The Committee and subsequent sub-committee of it which sat on the sports and cultural aspect of my portfolio produced a report and now, Mr. President, the matter is being dealt with comprehensively and I do not like to constantly have to stress comprehensively, but I have seen too often with a lack of policies, a lack of information, a lack of in-depth study, very rapid decisions being made ad hoc. For instance, school fields as one one of the amenities, need upgrading. That is only a part of the problem, they are far better off now than they ever were, and the first aim is to upgrade them but there is going to be something to move on. I am not in this House merely to see the policies that I introduced, endured for the life of this House. My duty is to provide on going policies in a uniform form and that, Mr. President, is what will come out of the reports on the sports and cultural matters of the Committee.

I am very interested in sports, I know the Second Elected Member from West End is also very interested in it, and I have believed that a comprehensive sports programme is vital to the conditioning and the up bringing of youth in this country, and I will endeavour towards that, but I will not do it piece meal. If, Mr. President, the matter cannot be dealt with comprehensively at any one time, and I know there are instances when one has to deal with some of the problems in isolation to others, then if it cannot be dealt with fully, I do not think that any mind at has dealing with is going to solve the problem. Sure, I can upgrade the few fields around the place, but that is only a small part of the problem, the problem goes on to one of advance sports and it must surely be my duty to endeavour to bring the athletes in that area to the youth.

Mr. President, I am not really reading anything, I know that is against the Standing Orders, but I have some notes which I am entitled to make and I am just eliminating them as I go through.

Moving on now, Mr. President, to Finance and Development, and its inter-related matters. There is a saying that when Columbus returned from the New World persons attempted to discredit him, and he took an egg and said "would you endeavour to stand it on its end," everybody tried they could not, he tapped it, it stood up and he said "now I have done it you know the way now to do it". Mr. President, at this stage with the economy of this country in the stage it is I can only say that this Government has given past and any future Governments the way to deal effectively with economy.

Criticisms, Mr. President, are inevitable, provided the criticisms are fair and constructive, then I welcome them. I have been trained as a lawyer and I know what it is to argue, to love in the arguing, and also to be fair in relation to it, but anybody, Mr. President, at this stage who endeavours to say that the economy of this country is not good in a substantial amount of response is not being honest with themselves. The only criticism that as has arisen during the last Elections is that the economy is too good, that is really the only criticism that has been levelled at the economy and that, Mr. President, is really not very constructive, because unless you lay the ground-work for saying why you do not want a good economy then I do not think you should go on to criticise it. If on the other hand you wish a bad economy then by all means you can continue the good economy.

We have operated on an orthodox free enterprise democratic system and that is the best system that has ever been

HON. VINCENT M. BODDEN (CONTINUING): decided. It has built into it the orthodox controls, those of the Central Planning Authority which effectively administers the Development Plan and the Regulations which existed since 1971; it has the Immigration Boards which administer the immigration in and the emigration out of the country, there are the three interpriar controls of the limitation and labour supply and we have seen that some seventy odd percent of the labour force is employed. There is a limitation on materials either through the lack of transport to bring it in, the lack of transport to take materials to sites and all of these, Mr. President, add up to democracy. What would be a disaster at this stage would be to endeavour to let Government bring in direct controls into the economy. For instance to say "no more condominiums", or as it was rumoured in the most early examples "no more hotels", because that has a very spiralling disastrous effect. You say no more condominiums, the investor thinks no more hotels, no more houses, no more investments, you end up with nothing which is what this country had in 1974 and to show you, Mr. President, that economics is not a precise science, because as the well-known phrase "other things being equal" is normally applied to the theories and in this world other things are never equal.

When you look at the controls which the United States attempted to bring on 12 months ago; they deregulated the different industries, they brought in controlled interest rates which they put high in an effort to deal with inflation, they brought in tight monetary policies the result, Mr. President, as you have quite effectively put in your Throne Speech is that they got results they did not expect, and, Mr. President, at this stage the only results to control by this Government that we could get that we do not expect must be bad results because the results in the economy now are good.

They then followed a policy as the Honourable Financial Secretary mentioned of completely taking out all of those controls, in an effort to boom the economy and at that stage once again they found out that that does not work as quickly as they may have expected. So if you find direct control such as was attempted with the Development Plan in 1974 or if you find statements that were made, for instance relating to hotels, if you find interference which is foreign to a purely democratic system then you must expect that the results are going to be too much one way or the other, either too

little or too much in a slowing down and you are then left at large. Another aspect of direct controls, Mr. President, is that this country is small, it is not like the United States which can have a boom in one area and a recession in another, where you can have migration of labour and more than that, Mr. President, the West Indian is not as disciplined to accepting unemployment or are the other countries such as Europe and North America, so if there must be a choice between a good economy and a recession then Mr. President, I think it is our duty to keep the economy booming. I am not unaware of the problems that go with that, but they are the lesser of the two evils.

In 1974 we saw the economy of this country put the people of this country on their knees, and they did that as a result of direct intervention by the Government. You know there used to be a theory, Mr. President, that whenever there was a recession in the United States or in the World, then there must be a recession here, and this Government has blown that theory, and I will tell you why, because if you are so intent on following that you follow blindly and you do what the developed countries do and you insure inflation, you get it; if you induce a slowing down you get it; if you induce a recession you get it, and in 1974 there was an inducement, in my opinion, of a recession and it got out of hand. I am not neither inexperienced nor unenlightened in monetary theory and practice, Mr. President, in fact I spent a good long time of my life, some 12 years of my life after I left school studying and I know that any attempt to touch this economy by direct controls is going to bring a recession prematurely, and I do not think and I am not endeavouring to judge anyone's ability but I do not think that there is anyone within this country at this stage competent, as you have mentioned, of slowing down the economy at the pace at which they wish to slow it down. Anybody, who tries to say they can do that either are somewhat big headed about their qualifications or alternatively, they are going blindly into an alley of which there is no return for a very long time.

HON. THOMAS M. HOLDEN (CONTINUING): There was some panic when the United States interest rates increased rapidly, but as the Honourable Financial Secretary pointed out there was not really a large outflowing of currency. The position that arose out of exchange control was one which I think was dealt with ably by the Government because the facts are there; there was a surplus of, I think the Honourable Financial Secretary mentioned 1.3 or something million dollars of Cayman currency in excess of United States dollars, but, Mr. President, exchange control at the stage that it was abolished had really ceased to be effective, and I do not see where the preservation of exchange control could help this country. I believe that we must be somewhat naive, if we can believe that a country this person is to 14 billion United States dollars through it per day can ever really ascertain its foreign exchange position and it must be so great a volume compared to 40 million Cayman dollars that the question of the demise of the Cayman dollar really never was an issue. There is no one, Mr. President, that could effectively administer the day-to-day position of this country on hard currencies, so as to keep exchange control in -these circumstances, would only be so have a formality and I think I am correct that we have had advisors many, many times who have stated that position. In any event, Mr. President, the people that were affected most by exchange control were the little people in the street, it was the little man, because he normally had no exchange control to keep a U.S. account as he converted it. The cheap money that the Third Elected Member from West Bay referred to was the money of the little people and normally they rarely borrowed large amounts of Cayman dollars anyhow, so in effect,Mr.President, all that happened with the abolition of exchange control is that we have legalised a situation that existed for the past 6 or 7 years. There was nothing really to applying for corporation with $40,000.00 capital and a bank would skip it and you take it in, and it was really a cumbersome matter which I think has helped to boost this economy.

I noticed that the Member who moved - to quote him - flabbergasted that it worked, but facts are facts, if something works it works whether the theory is correct or not we live in a practical world and exchange control has been lifted, there has been no mass outtaking of currency, in fact there is only 30 million Cayman dollars anyhow and we now have a much healthier international climate.

Mr. President, the worry about the Pirate scene on the currency affecting us internationally, I think is a bit of a joke really because the scene that person affected like money most was the scene on the Unemployment Plan of the early 1970's which had what the English Town and Country Planning Act referred to as white areas where there was no zoning. That was a name that alarmed people and in fact, Mr. President, it made the property of people worthless, which in my opinion is getting very near to an act of piracy if you make somebody's land worthless it is nearly like taking it from them.

Mr. President, inflation is a part of the economic life of every country. You can suppress the people and suppress inflation; you can increase the benefits to people, but inflation must increase. To talk about runaway development, runaway inflation is failing to look at the overall picture. Everyone is alarmed if inflation gets high, especially if it gets high and there are no resultant benefits. For instance, contacts in the United Kingdom and the United States were very harsh. In the beginning they did not produce very rapid results, even though I think in the long term they may, and the inflation remained at the same pace. In the Honourable Third Official Member's Budget Address he mentioned that in 1971 to 1974 the inflation reached a peak of 18 percent. Now if you compare the inflation of 18 percent then with the benefits that they had and you compare 18 percent now with benefits that we have now you will realise that the economic policy here is in the benefit of the people to a much larger extent that it existed at that time.

The Third Elected Member from West Bay was once again surprised that this was not higher. Well through-out there have been surprises, but there are facts. We have ably controlled inflation, we have ably produced a good economy and I know it does surprise many people far beyond him, but it comes as a result of sound planning and looking carefully at the economic policies of this country.

HON. TRUMAN M. HARQUAIL (CONTINUING):

... to state that there is a lack of forward planning [and I am quoting that from the Third Elected Member from East End], by this Government is really unrealistic, that in planning Mr. President, they are not clear they say what is going to be done over the next decade or however long they said, that is planning. What I would like to see is anybody produce to me any plan that existed other than the Development Plan that the Government prior to 1976 had. There was reference to a four economic plan, but, Mr. President, I am being very honest I have never seen it, and if it did exist there nothing has been given to me nor has any enquiring on it been done by this House. In any event, Mr. President, if it did exist it reminds me of what perhaps could have happened to it in what used to be referred to as the great hope in the communist countries, they would have 5 years plans, there would be a big leap, however if it was a 5 year plan it seemed to have fallen very rapidly in the middle of the leap when the recession of 1974 and 1975 came about, and one of the aspects of economic planning, Mr. President, is once again to have contingencies plans. It is no good having but a development plan to contend just the one aspect and leaving out the remainder, and I can very clearly show anyone because I have a lot of these printed that I have politely I have future plans that were not seen and are now being dealt with and the economy has not only progressed to the extent that it has done because we have understood where we are going, it has not come about as a result of guess work and it has not come about as a result of the overwhelming efforts of the past few months.

Some ground work was laid and I will agree to that but the direct effort for the economy and the boom of this country at present has been brought about by this Government. That is a fact. We went into a Government with no reserve, no surplus and in fact at a stage where there was unemployment and if you look at the economy, if you look at the budget at this stage, Mr. President, anybody who says that that is not great, then quite frankly does not know the difference between good and bad.

One of the things that always is alleged against Governments and this is set out at page 15 of the Budget Address, is the fact that this country increased revenue by 14.5 percent a very high increase in revenue, but, and this is the crucial part of every country, it only increased its spending by 8.19 percent and as the Honourable Financial Secretary pointed out this increase largely represents additional salaries awarded under the Hall's report and supplementary capital expenditure. So nobody can point a finger at this Government and say that it did not control spending, nor can it point a finger and say we did not increase revenue, because these are hard facts and whether the opposition wishes to accept them or not they are there, and they must live with them. It may have been different, Mr. President, if it had been the reverse way as we saw the country with a surplus, and a reserve back in the early 1970's and completely with a lack of any reserves or surplus after the long recession of some nearly 3 years that ended in 1979.

Moving on, Mr. President, to Cayman Airways. The economy of this country is directly dependent on a good air link with the North American continent. It therefore is an essential part of this country's policy and this country's economy that it ensures that that link or communication is kept. I therefore regard Cayman Airways, Mr. President, as no different from any other essential service. It is not a profit making free private enterprise that the Government is in for the purpose of making money. It is in it because without it there can be very little else under the economic structure that we now have. So that effort, Mr. President, I feel that if it becomes necessary to ensure that our economy continues by a continuation of Cayman Airways as a link between here and the North American continent, then we must either subsidize it, or if necessary within reason subsidize it. If it is essential to be treated as a viable economic ongoing concern, then there must be the injection of sufficient capital funds as we would for organizations of this kind. Whether that be thirty three and a third percent or whether it be fifty percent then, Mr. President, I feel that we should come to grips with the capitalization of it and this Government should do so. It is impossible and anyone who has been in the private sector and struggled with a large organization knows that to set up a large organization of this nature which is dealing with ten or twelve million

HON. GERARD A. BOURKE (CONTINUING): dollars of equipment and assets, and turning over, I believe, well in excess of that per annum, without any capitalization to it must expect that there are going to be losses, you cannot continue ad infinitum to run a business without any underlying capital structure.

Mr. President, I regard it no different from the point which this Government bought the land and injected a large amount of capital and which has only recently reached the stage where it is economical. However, if it had to carry during those years a full loan for all of the expenditure on the capital of it, it could not have made a profit at this stage. Similarly as was referred to by the Honourable Third Official Member, the Broadcasting Station, this Government paid for it, put it down interest free or rather borrowed or got a grant I think really from the United Kingdom, for most of it, and put it in a position where it did not have a large interest debt. Therefore, Mr. President, however much it may shock, as one Member referred to, people, I think it is a hard fact of business life that you must capitalize a business at this early stage of it, if you can ever expect it to make a profit essentially, with interest rates however what they may are, it is impossible that it can be economically viable ad infinito in these circumstances.

Under the restructuring if any, that will result over the next few months of this year, I feel that this has to be borne in mind as well as a complete tightening in my own mind tightening in the administration, the management and the financial side of it. Lastly, on development it is important that the problem of a shortage of housing be dealt with and it is the duty of this Government as it put forward in the estimates, to promote the building of these houses. Corollary with that duty, Mr. President, is the duty of the banks to endeavour to promote the financing of mortgages in this area for local residents. It is also a duty of the builders in this country to give first priority towards the building of local houses The problem is one that is spread on the shoulders of many and it is important that we endeavour to deal with it as a team, which is the only way I think that the housing shortage can be ably tackled.

Mr. President, to sum up on Finance and Development, anybody who looks carefully at this country's financial position must come to the conclusion that it is in a good financial condition. It is as well and good to put forward theories, but we live in a materialistic world where realities are what count in the final analysis. To endeavour to show the real issues with these theories, Mr. President, brings into operation what Von Goth once said "that there is nothing more frightening than ignorance in action," and it is very important that ignorance be applied theoretically in instances where the practical position could deteriorate. Our position financially is good, and anybody who endeavours to upset that at this stage I think in going into an area that they are not certain what the results will be.

Lastly Education. There have been observations or assumptions that perhaps I am not quite capable to deal with Education, but, Mr. President, I think we clearly answered in what I intend to continue to voice in this respect in this House, because I have been somewhat too polite in the past to do it, but by the fact that anyone who is dealing with a subject must thoroughly understand it. A person who is not - and I am casting no aspersions in any respect, I am speaking generally, who is not in a position to understand advanced education, is at sea if he endeavours to create the policies that tend to go along with the promotion of it, and it is all well and good to say that we can take expert advice, but it boils down to a hard reality - we either have it or we do not, and information, Mr. President, is a thing that anybody who puts in sufficient time and effort in it can achieve it. I can stand here, Mr. President, and state very candidly that I understand education, I understand what it is all about, because most of my life has been spent on education. I have done qualifications ranging from purely academic subjects straight through to the professional side, and in many areas was part in law, and at this stage I think I clearly understand what advanced education is all about.

The position that I inherited (and I allude to the past once again, as this was raised) was an education system without any policies, we are back to square one again. There was nothing in place, there was nothing for me to pick up from. The system within the Primary School in 1970 was one of a complete lack of secondarisation of both books and the syllabi

HON. TREVOR M. BODDEN (CONTINUING): them was no coordination of teaching techniques or curriculum within it. The teaching ratios were in excess of thirty-five children per teacher, and, Mr. President, if you look, or if one looks at the achievement tests which came out a few years back you will see the diversity in the standards, the syllabi, and really in the schools from district to district. So what you had was a purposeful system of education, which was not a system and the emphasis that I put was first to deal with Primary Schools, because if you do not have a foundation you cannot build by improving the High School. It is a resultant factor of the intelligence and the learning in the Primary School, which creates the knowledge and the ability of the child in the High School. So that was the first effort that had to be made. I am happy to say that at this stage the exception of the criticism by one Member, my predecessor in this office, I know he probably has certain tender feelings for having been here, but the hard fact of life is, that when I took over, it took a considerable amount of time to bring my system in there, and once that was brought about everything else began to fall in place.

One of the over-riding principles at the time was children who progressed from class, substantially by age. Mr. President I have always been on a system that I only achieved what I work for, and with certain exceptions in life I am afraid that one has to put out a certain amount of effort to achieve what one wants.

We now have education policies, we have an administration handbook that is nearly completed, and it lays out very clearly the continuity that is necessary for the staff in the schools as well as within the department. There has been, and obviously has been great achievements in the area of education and it is a hard fact at this stage that I have taken education and over the last four years given it the first priority on the policies, the system is now working. Because I have been sufficiently careful, Mr. President, that I ask for minutes from the Parent Teachers Association, I ask for Minutes from the School Meetings and anything odd that arises in there, there is a system laid down, that I can now find out about it, which did not exist before. So I can well realise how a person could be at sea not really knowing what was going on on the Department, because there was no system administratively to feed any information back to the Member. Now it is taking a while and as we are seeing with the computer policies, once you bring certainty where there was uncertainty there are always going to be people who are going to reject it, that is human nature, but I am very happy Sir, that we have now moved out of that stage on Education and the system is very clearly on its feet.

One of the things that I remembered and that gave me so much concern, and I remembered it when the question of the Cuban immigrants arose, was the syllabus for the Caribbean Examinations Council's exams; it would have been, in my opinion a disaster to this country to inject that part of the syllabus, which I see only this community because at the age most children spend in school, the tender age they are vulnerable to many influences which they have not better how to deal with, so they follow. Therefore it is important that the leadership within the schools must be one which teaches our system, teaches our way of life and does not inject foreign material into the system. That has happily now rejected, and the school system has undoubtedly not suffered for it.

The Middle School, which there was an attempt by a small minority to reject, has proven to be very good, people are happy with it, there are a few who are still unhappy, but, Mr. President, in this world we have to understand that there is always that category of unhappy people, and nothing will ever make them happy. So I would hold up the school system, Mr. President, as an example of how planning and certainty in a department can bring about the results that one wishes to achieve, but it takes time and now we are going through the difficult stage with the revised policies, and we will go through them with the Social Service policies but at the end of it, Mr. President, there is certainty and there are the policies that can guide this country and can be left for my successor in office to pick up knowing what I have tried to do and not wishing be left at sea wondering what went on and what I had hoped to achieve.

The Light House School and the Handicapped School was commented on, and I would just like to point out that that is not

HON. THOMAS H. BODDIE (Fort Rupert): completed, and it would be a catastrophe to try to go on there at a stage when it is not finished. A quick look at it would have really brought that to light, and in any event, Mr. President, the remark by the Honourable Third Member from West Bay, that there is a lack of planning or there was a lack of indepth study before this was done, I can very clearly refute. At my age and with my qualifications, Mr. President, I do not do anything quickly nor do I do anything without indepthness and it was gone into in depth and if one looks at the complexity of that problem one will see that it has to have been looked at carefully and with the help of the American Health Organization, to which I owe gratitude. I think that we will have a school which, when it is completed, we will begin to operation, but not before.

Mr. President, I do not want you to have to look for that Standing Order that relates to digression without endeavouring to deal with any more aspects, I would like to now just summarize in the last five minutes what I have endeavoured to go into a bit of detail with, prior to reaching this stage. I have always believed that criticism must be constructive and I can take that. I do however feel that destructive criticism and especially, Mr. President, what I have often alluded to, gossip, is perhaps one of the most destructive elements within any society. Where you get wrong inferences drawn, where you get references to only a part of a scheme or a system without reference to it as a whole, where you get any attempt to twist a matter when it should not be twisted, cannot really help this society. On top of that, Mr. President, I believe as I stated in the preliminary part of the first draft of the Education policies, that for anything to be dealt with it has to be dealt with comprehensively, has to be dealt with fully, and it has to be done in a timely manner, and while I remain in this Government I intend to ensure that the policies are carried out in that way. I have, as far as my abilities go, and I have turned out these three policies within the four years and as your Excellency knows prior to these policies over the ten years or twelve years that the Government continued under the former constitutions nothing of this sort has ever been put in writing and I have put a lot of effort into this, and I must be very frank with you what does get on me at times is where you have people who are not really curious enough or smart enough or sometimes intelligent enough to pick that up and maybe three quarters of an hour to read it and try to understand it, but to merely look out in space, so to speak, at matters which are within it, and good examples, one of the areas where there constantly is criticism for instance the drugs, this is already laid out in sub-paragraph (5) of paragraph 4 "it shall be the duty of the Chief Medical Officer and the Administrator to ensure that adequate and necessary supplies of all drugs are kept in the pharmacy at the Hospital. The Pharmacists shall, having regard to all the circumstances inform the Chief Medical Officer of any inadequacy in the supply of drugs."

I am only so no much, Mr. President, and no more, but one thing I have done is really to show that in promoting the theory of planning and the theory of certainty and of policies which the Honourable Third Elected Member from West Bay referred to, to be lacking. At least I have hard proof that mine exist and I am certain that none existed before this. I would ask Members to support the Vote and Motion relating to the expenditure, and I would ask that when the estimates do go into the Finance Committee, they be looked at objectively and that the duty of every Member here to fully represent the electorate will be effectively carried out, which I expect it will.

Mr. President, that concludes my contribution to the Speech.

MR. MORTON EBANKS: Mr. President, with your permission, I would like under Standing Order 31, an opportunity to put a few points correct that have been mis-stated by the Member regarding my contribution.

MR. PRESIDENT: The Honourable Member may make a personal explanation, but is not allowed to introduce any controversial matter or there is no debate from this. I would ask the Honourable Member to keep it fairly short and not, as it were, extend the debate, because he has no right

MR. PRESIDENT (CONTINUING): of reply to what has been said. Personal Explanation is an error.

MR. BENSON MWANG': The first thing is, Mr. President, that in connection with the proposal with the Cinema, it ought to have been known that - I was talking of registration and not bringing people on work permits.

Under the section on the Registered Land Law, the exception which the Member quoted does not affect the statement which I made.

The 1975 Auditor's report on Kenya has been seen by me; it was presented after I left office.

The Member indicated that the sanitary ship now in operation was instituted since 1970. I did not say.....

HON. S. NJOG DOGNI: Mr. President, the Member is seeking to strengthen his former position by new arguments which is against Standing Order 52 (2).

MR. PRESIDENT: I do not read that into the Member's statement. He believes he has been misunderstood in his debate and is simply correcting the record as I see it.

HON. THOMAS M. BOGDEI: Mr. President, with respect, Sir, for the sake of reference to the Registered Land Law, that is the question, he made an opinion statement. I made one, and I do not think he is entitled to go into that. If he says I misunderstood a fact that he stated, then he is entitled to deal with that fact. But if he is endeavouring to deal with a legal opinion that I have given under that section, then I do not think he is entitled to go into that. I have left it, I do not want to get controversial, but he has to stay within an area clearly within Standing Order 52.

MR. PRESIDENT: I agree, you are correct in correcting any misconception of what the Honourable Member has said, but not to reply to any point made in the debate.

MR. BENSON MWANG': That is exactly what I am attempting to do, Mr. President.

On the question of recreational facilities, I did not refer to school playing fields, I referred to facilities within the districts. That is all I care to say, Mr. President.

ADJOURNMENT

MOTION BY HONOURABLE DENNIS E. BOSTON, MP, TO ADJOURN.

QUESTION PUT: AGREED. AT 6.45 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M. MONDAY, 22ND FEBRUARY, 1977.

STATE OPENING AND FIRST MEETING OF THE (1961) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON MONDAY, 23RD FEBRUARY, 1961

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CMG., CBE. - PRESIDING

GOVERNMENT MEMBERS

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| HON. DENNIS A. FOSTER, MBE., JP. | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON. DAVID R. HARWICK, CBE. | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON. V.G. JOHNSON, CBE., JP. | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT |
| HON. TRUMAN M. HOWARD | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON. JAMES M. BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON. G. HAIG BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON. JOHN B. MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

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|---|---|
| MR. GALSTON J. SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. DALMAIN D. EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. BENSON O. EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. NORMAN W. BODDEN | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE E. BODDEN, ODE. | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT. C.L. KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT. NAPIER E. KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR. CRADDOCK BANKS, JP. | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE. |

ORDERS OF THE DAY

SIXTH DAY

MONDAY, 23RD FEBRUARY, 1981

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND THE FINANCIAL STATEMENT.

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MONDAY, 23RD FEBRUARY, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND THE FINANCIAL STATEMENT

MR. DARWIN J. SMITH: Mr. President, I can assure you, Sir, that I will not be as long-winded as some of the previous speakers and I will also assure you that I will not be dragged into a campaign speech at this juncture. However, it is my pleasure and privilege to make a few comments on the Throne Speech and Budget Address delivered to this Honourable House a few days ago.

I must congratulate you, Sir, and the Honourable Financial Secretary for the very detailed, informative speeches. Further, I think the Honourable Financial Secretary should be congratulated for putting together the Estimates which is undoubtedly an enormous task.

Mr. President, it is a pleasure because after listening and reading such a report, it is most heartening and reassuring to a citizen of this small territory I am very proud to be a part of it and I feel that most of us here today in this Chamber feel the same way.

Looking back at the past four years, Mr. President, and especially the year 1980, what has been achieved has been nothing short of an economic miracle. Four years ago, Mr. President, a new Government came into being and with its new ideas and renewed our Islands from the doldrums of uncertainty and discontent. Investors became more relaxed, many more developments came on the scene, money began to circulate and the general public became more prosperous and as a result, we have virtually an Island paradise.

Mr. President, looking at the enormous figures and data given to us, we can see the enormous strides we have made in the past four years. I do not intend to repeat too many figures and percentages, but only to point out a few outstanding areas.

An important industry is tourism which has increased considerably over the past year. It is my sincere hope, Mr. President, that our people will appreciate this and endeavour to show the best side of their faces to visitors at all times. Because, Mr. President, quality is as important as our own good business.

I am very proud, Mr. President, to learn that the Port of George Town has already received its projected local for 1981. It again shows, Mr. President, our prosperity, but it also shows the hindsighted policy somewhere typical of course of the 1978-1976 Government.

Broadcasting, Mr. President. Radio Cayman is doing a good job. However, it is a department that has to be watched very closely. This department can do the Islands a great amount of good, but it also has the potential to do a great amount of harm. Items of no significance should be left out and I refer, Sir, to the report of the political rendezvous in Mount Pleasant which did not show a true picture of the incident. Mr. President, political flavours of any kind or from anywhere should not be allowed. Although this department is playing an important role in the development of our country, in my opinion Sir, the programming could be improved tremendously and I feel that we should be earning more from advertising than what we are at present.

Little Cayman and Cayman Brac. Mr. President, special note has been taken in your Throne Speech of a petition from the people of Cayman Brac and Little Cayman for a change in the constitution to allow them representation on Executive Council. Mr. President, in any democracy the majority rules. And I am just here, Mr. President, by the majority and with the understanding that there will not be any changes in the constitution. So I want to make it abundantly clear here this morning, Sir, that I will not be a part of any change in the constitution unless it is acceptable to my people.

MR. KANSTON J. SMITH (CONTINUING): Police. I cannot say that I am entirely satisfied with some of our police especially in my own district. But on a whole they are doing a very good job especially since the recruitment of our new Commissioner of Police. I have seen tremendous improvement and I am quite sure, Mr. President, with his experience we can look forward for more improvements.

Immigration, Mr. President. Immigration is the gateway to any country and we must continue with stringent controls to protect these Islands. I am happy to know that office accommodation has been expanded and that many more improvements have been made in this department.

Civil Service, Mr. President. Special note has been made of some of our Caymanians who have been promoted to high positions. I am very happy indeed about this, but I think that some of our young Caymanians need to realise that they cannot come at the top, they have to start from the bottom and work to the top.

Mosquito Research and Control Unit. I am also happy, Sir, to see the progress of the Mosquito Research and Control Unit which has played a key-role in the development of these Islands. Mr. President, this is a very expensive operation, but we have to make every effort to support this Unit or we could be put back where we were 15 years ago.

Agriculture. I am very proud, Sir, to see progress in Agriculture. There are many people who produce quite a lot of cattle, goats, pigs, etc., and this is apart from the farms you mentioned in your speech, but nevertheless, Mr. President, I am still proud of these two farms that are able to assist the public in the proper way.

Education. We have gone a long way in the field of education in the last few years. Results of exams at the Cayman Islands High School have been very good and indications are that the standard of education in the Cayman Islands are on the upward trend.

Grants to Private Schools. Special note has been made, Mr. President, that the grant to all of our Private Schools will be doubled this year. I am very proud to see the stand that Government has taken on this because, Mr. President, without this assistance these schools may very well have to close their doors and could cause extra strain on our Government which we are not prepared to undertake at this time.

Tourism, Mr. President. With regards to tourism the outlook is that we will have another booming year, but as I have said here in this Chamber many times before, our facilities are being stretched and, Mr. President, our tourist business cannot expand very much. I will feel better, Sir, when I see some of the large hotels under construction open their doors to cope with this situation.

Hotel Training School. I am indeed very happy to hear of the improvements in attendance at the Hotel Training School, because, Mr. President, with the increase in tourism, the people who are employed in the hotel trade must begin to look at this as a career or our country will be in bad condition. Because, Mr. President, if these people do not look at this as a career we will have to continue to import people from abroad to fill these jobs and we must not lose sight that most of these jobs are the type of jobs to be filled by teenagers when they come out of school, because they do not have the training and the education to fill the other jobs.

Public Works Department, Mr. President. I feel that the Public Works Department has done a good job over the years. The only thing that I disagree with is that they try to please too many people at the same time. I rather see, Mr. President, one job finished and then tackle the other rather than to have a dozen jobs started and then finished.

Speaking of the widening of the roads in my district that are not completed, I can inform the Member from West Bay who spoke on this that I have been in contact with the Member in charge of that portfolio and also the Director of Public Works and they have assured me that these roads would be started as early as maybe today, this week. I would have thought, Sir, that as a representative of the people, this Member would have taken a similar approach.

Cayman Airways. Mr. President, Cayman Airways has played an important role in the development of these Islands. I do not want to see the day that this operation has to cease and another foreign airline take over. My whole view is that if Government has to subsidise this airline we have to keep it going.

MR. GARSTON J. SMITH (CONTINUING): Inflation, Mr. President. Inflation has become rampant throughout the world, not only in the Cayman Islands and it would be very easy to attempt legislation. But how practical would this be, Mr. President, in a country such as this? A country so dependent on the outside world. How could we ever make it work? Mr. President, how we need to tackle this is for Government and the business and professional people to use restraint and good common sense. Working in this manner we might be able to put some curb on inflation.

Banking. On the banking side, Mr. President, in the past four years some of the largest banks in the world from some of the largest countries in the world and some of the major financial countries have located here. And, Mr. President, in the past four years more banks have settled here than in the history of the whole Cayman Islands.

Much has been said, Mr. President, about the new Insurance Law passed in 1979. This has proven to be a wise decision by Government and a decision that has been made at the right time.

Companies, Mr. President. A large contributor to Government's revenue continues to be Companies Registration and the formation of new companies, local and off-shore. Mr. President, this can only be continued to the continued faith in our economy which is possessed by the investor and our public alike.

Exchange Control, Mr. President. Much criticism has been levelled on this Government and abolition of exchange control in these Islands. It is quite true that only time will prove who is right or wrong, but I still believe, Sir, that when this House took the move to remove exchange control, they made a move at the right time and in the right direction.

Cayman Brac and Little Cayman. I am very happy, Mr. President, to see that our sister Islands have enjoyed and will enjoy a healthy part of the budget for 1981. We need to continue to support the needs of these Islands because, Mr. President, we must remember that they are part of us.

Medical, Mr. President. Much has been said about our medical services. There have always been problems at the Hospital. There are problems now and there will always be problems. But, Mr. President, we must tackle these problems in the proper manner. It would be very unfair for me to stand here in this Chamber this morning and say that we have not achieved something on the medical side. The Member in charge of that portfolio has introduced policies and these policies were established for something, but I feel very strongly that until these policies are properly administered or implemented, we will not have any better service. It seems to me that one of the big problems at the Hospital is that there are too many Chiefs and no Indians. Everybody seems to be the boss at the Hospital, Mr. President.

Scholarships. I am indeed pleased to see that Government has given special attention to providing funds for scholarships for students to study abroad. We must never lose sight of this, Mr. President, if we expect our Caymanians to occupy more of our top jobs.

Water and sewage, Mr. President. Special attention needs to be given to this item before we are faced with outbreak of some disease, especially on Seven Mile Beach where there is only sand and sand and both can take so much and no more. I understand now that some of our tourists are complaining about the stench that is coming from these areas. I hope that this will be one of the priorities in the very near future. Much was made about an entrance to Governor's Bound for the public. Mr. President, as a boy I can very well remember walking on the public right-of-way to Governor's Mound. I would have thought that the Member who is requesting this - had he been thinking properly about the people whom he represents, that this would have been taken into account when the Cadastral Survey was introduced in these Islands and he was then a Member of Executive Council. Mr. President, these lands were surveyed without any right-of-way provided and have since become private property.

Taxation, Mr. President. I am grateful to see that Government has been fit to remove some more foodstuffs. As you know, Mr. President, I am a great believer in this. I remember quite well when I introduced the famous chicken and potato motion. I quoted then to this honourable House that I hope to see the day when this honourable House will be able to remove duty on all foodstuff and medicine. Mr. President, I still stand by that today.

Mr. President, before I sit down, I must again refer to the state of our economy which the new Government found on taking over in 1976. At that time our little country was rocking the bottom of the barrel and this was owing to faulty planning, controls, restrictions and fines. Our good ship, Cayman, was willowing in the waves of the Black Sea headed for destruction in

MR. CARSTON J. SMITH (CONTINUING): the Red Sea. It is my fervent wish and prayer, Mr. President, that the Members of this Legislative Assembly will work harmoniously together for the good of these Islands, putting the good of the people ahead of themselves and keep our Islands, not only being looked at as the jewel of the Caribbean, but the best place on earth.

I thank you very much, Mr. President.

CAPT. MARK S. KIRKCONNELL: Mr. President, I would like to compliment you Sir and the Honourable Financial Secretary for the eloquent manner in which you delivered so valuable an address. I feel we are very privileged that we can even consider a sum of $40m. For a small territory like this to have such an economic boom, in economic sense that we are able in this Honourable House to debate a budget of this amount, certainly shows a lot of credit to our present and past Governments. I am proud of our security and look forward for our continued success. I realise that there is much still needed to be accomplished and I hope that this Honourable House can work united towards that goal.

Mr. President, being a newly Elected Member of this Honourable House for my first term, representing the people of Cayman Brac and Little Cayman, having been elected as an Independent and not residing in Grand Cayman, I am at a great disadvantage to really add much to this Honourable House. I shall make my speech rather short and I shall endeavour to touch on subjects of which I have knowledge and subjects which have direct affect on the people whom I represent.

As was mentioned in your Address, Mr. President, on the 4th of August, 1988, my constituency was hit by hurricane Allen. We sustained much damage and we gained from the experience. Having been an eye witness for the first time to a hurricane on land, I gained much and, Sir, through investigations carried out after, it became an eye-opener to many of us that conditions did exist very close to home that we did not know, therefore they need attention.

I would like to say, Mr. President, that we are most appreciative for all assistance rendered by Government and the private sector and in particular to Her Majesty's Ship Sceptre and her crew for their assistance to us and the rapid way in which it came about. I assure you, Sir, the arrival of Her Majesty's Ship Sceptre off Cayman Brac so soon after the disaster, was a most convincing factor to our people of the blessings we have of being a British Caribbean Colony.

The Sceptre's crew provided not only labour, but technical assistance which we did not have available and yet we were able to have electrical services and telecommunications within a short period because of their expertise. This shall always be remembered by our people.

I would like at this time also, Mr. President, to thank Mr. Gilbert McLean who served as our District Commissioner during most of 1988. He is to be complimented for his actions immediately preceding Hurricane Allen and the valiant job he did in organising the relief. We deeply appreciate his services.

Your transfer of Local Administration to the portfolio of the Honourable Chief Secretary under the responsibility of Mr. Dennis Foster, a former Cayman Bracker and your appointment of Mr. James Ryan as District Commissioner, has been most gratifying to us.

Referring to a presentation which was made seeking a change in our constitution, I would like to take the time, Sir, to explain this. It is not the desire of our people, not one of them, that we should seek an advancement in our constitution. We are proud of our status as a British Crown Colony. What we are seeking, Sir, is representation. We are prepared to accept the taxation and we ask for representation with it. We are asking in this presentation that consideration be given to a recommendation that was made recommendation No.2 by the Constitutional Commission in 1972, which stated that the Executive Council should consist of four Members of which one should be from the Lesser Islands.

This, Sir, at that time was supported by many Members that were non Members of this Honourable House. So I would again like to explain to you and to the Honourable Members here that we are not seeking an advancement in our constitution as we are happy with our association with the mother country. But as right Honourable The Earl of Oxford and Asquit I have stated in 1977 that it was advisable and I concur with his thoughts today and that, Sir, is what we are seeking. I would like to explain that the 187 signatures do not represent the feeling of my people. We could have gotten over 1,800, but it is the desire that we keep peace and harmony within the Cayman Islands and we did not try to stimulate any petition that would create further unrest. So again, I

CAPT. MARK S. KIRKCONNELL (CONTINUING): ...would like to say that we are proud of our association with the mother country, but we do ask, Sir, that some consideration be given to us.

Broadcasting. Radio Cayman I think deserves to be congratulated. It has certainly enabled the people of my two Islands to be better informed on what is happening within Grand Cayman and the Cayman Islands as a whole and the rest of the world. It has made it possible to be better informed with less expense in radio equipment. It was a great help in warning us, and I think probably that is why we can say that we are injured and there were no fatalities during hurricane Allen because almost everyone was able to listen to regular warnings issued by Radio Cayman. It is my hope that this will grow in stature and that at some time in the future maybe this broadcast could originate from Cayman Brac.

Immigration. Sir, this is a very important department in any territory and in particular, these small Islands as we have. With the present situation that exists in the Caribbean, which is different than it was in previous decades, the necessity for strong Immigration and Immigration policies are becoming more necessary each day. Even in our small Islands we are finding an ever increasing load on Immigration with the arrival of 40 to 50 marine-tankers monthly and other supply ships. We are having people from all parts of the world and Immigration is doing a good job, but I do feel that in view of us having to use Immigration and Customs as a joint department, we are going to need more specifically trained to handle this important aspect with our tanker trade.

The Police Department. They also are to be complimented for what they have accomplished, but we are in an over-employed society now and I realize this, like every other field, are having problems retaining members and the quality of men they need. I sincerely hope that as this compliment comes to the number that they require, that we will be able to be honoured by having an inspector resident in Cayman Brac. I feel we are becoming more susceptible to crime and therefore, the construction quickly on a Police Station nearer to the West End of Cayman area where the tanker traffic originates, where our airport is located and where our tourist sector, what little we have, is located, would be very beneficial.

Medical Services. This again is a department of which we should all be proud. I wonder how many territories with 18,000 comparatively located in different areas, can boast of medical facilities equal to what we have in the Cayman Islands. I feel it is our duty to help build this department, and I would like at this time to pay tribute to the Honourable Member of Executive Council for his endeavours in securing policies and whatever is necessary to upgrade our Hospital.

...in Cayman Brac, our Hospital, though small, is well equipped. We are fortunate for the first time to have two medical doctors, one on a full-time basis as our Government Medical Officer, the other on a part-time. We also have an anesthetist and a complement of nurses capable of handling surgical and medical responsibilities. We have, what I consider, one of the best orthopaedic surgeons in the Caribbean as our Government Medical Officer. I have recently seen major bone surgery performed right in our own Hospital, which, just a matter of maybe probably years ago, would have necessitated being flown to the University College. But this success was assisted by the solicitation of qualified personnel and the help of Government, along with the concerted efforts of my people, to get the facilities that we now have.

Mr. President, in view of the generous donation we received from Cayman Energy, we were able to complete the medical block, but now, Sir, we are now faced with almost a 100% bed occupancy just catering to our own people. Oftentimes, Senior Citizens who need hospitalization have to be refused because we do not have bed space.

Referring to the contribution from Cayman Energy, we do have a moral obligation to provide beds for injuries or patients related to their operation. We have, in the past, been forced to utilize some of the rooms of the hotels and convert them to hospital accommodation to supply the needs. So in the coming years if consideration can be given to additional bed space it would be most appreciated.

Social Services. This is a department which I am happy to see become as active as it presently is. It has gotten off to a good start, although rather late in our history and I hope that it will continue to grow. It has been helpful to the K. S. Kirkconnell Memorial Rest Home which is located in Cayman Brac and this is appreciated. I would like to state that the Memorial Rest Home deserves a lot of credit. It is now housing Senior Citizens of Grand Cayman as well as Cayman Brac and providing a service which I think is so essential and I hope, in my senior years, that someone will make provisions for me.

CAPT. MARK S. KIRKCONNELL (CONTINUING): Agriculture. Agriculture, as you know, Mr. President, was one of the mainstays of the Cayman Islands before the advent of tourism and the other financial benefits which we have received, and I feel that it is necessary that more attention be paid to this. We hear many day of the growing shortage of foods and water and therefore I feel it is necessary that we pay more attention to agriculture here.

Since I was elected, I have secured the services of experts in marine Agriculture, which we have had visit Cayman Brac, one has contacted the Honourable Member responsible for Agriculture, and we are hopeful that in the near future we may be able to look into the prospects of growing clams on the shore and other marine creatures which can be used for food which could become ultimately an export and presently they are not banned from importation into the U.S.A..

So this Department has carried us over in hard times and I feel it should have much attention in our present state of prosperity.

Education. Again, I feel these Islands are fortunate in having the type of educational system that we do. It is true, if we want to be critical, we would find faults, but I believe in counting my blessings and I see many in our educational field.

Over the years, even in my younger days, I was forced to leave these Islands to go to the United States for higher education. Now, our students have the privilege of remaining at home securing the number of 'O' levels and 'A' levels and then go on, at a more adult age, to Universities for higher education. It gives them closer ties to the Island and more desire to return after they have received their qualifications. So again, I would like to state in our Island we are proud of the achievement in Cayman Brac, but there is one avenue which I have discussed with our present Headmaster, whom we are very grateful for his employment. He is performing a wonderful job at the High School. He concurs that the establishment of a sixth form in Cayman Brac will be possible and I would ask the Honourable Member responsible for Education to support us in this desire.

We are grateful that our students who qualify for sixth form are now able to attend classes here in Grand Cayman, but taking young people away from parental guidance at that age is not always the most practical solution. Education is essential, but many of their parents are not anxious to part with their children at that age. So if this can be established within Cayman Brac, it will afford them that opportunity and enable them to go on to higher institutions of learning and come back and contribute to us I would hope.

Lands and Surveys. This is an important Department and again I realise it is having staffing problems. It is one, through the Industrial Survey, that has made our present boom of the magnitude that it is and I feel they are to be complimented that they have been able to do with what staff they have had. But I would ask also that a look by the Honourable Member responsible for this portfolio, be taken into the upgrading of the Lands and Survey office in Cayman Brac. We are fortunate in having a lady there who is very interested and very helpful to us, but Mr. President, we find that communications are not close between the office in Grand Cayman. Recently we had a delay in the issuing of an absolute title, of more than six months, after the fee had been paid to the member in authority in Cayman Brac because they did not know that the Grand Court had placed a charge over the property which was sold.

Therefore, Sir, I would ask this Honourable House for any improvement that can be made.

Mosquito Research. I, for one, well remember the punishment it was to enjoy the part of Savoy Town in the early days. At that time, I was serving on a freight and passenger vessel coming here and truly it was a pleasure to leave for the mosquitoes made it impossible to be comfortable while here. Had this situation continued, none of the boom that we are now in (1969 and 1970 (and we hope will continue through the next decades), would have been possible.

Their action in Cayman Brac has also been helpful. The mosquito problem is never as great there, but they have certainly improved it there also.

Civil Aviation. Another very important Department and I would like to say, Mr. President, that I am proud today that a Caymanian heads this Department for the first time and am certainly look forward to his long occupancy of that position. We know he has a challenging task ahead, both here and in Cayman Brac, and with the advent of jet services to Cayman Brac we look forward to seeing more and more of the Director of Civil Aviation there and am certainly will support anything that we can in that field.

CAPT. MARRY S. KIRKCONNELL (CONTINUED): Domestic Fire Service. As I said earlier, not residing in Grand Cayman I am not able to comment on the beneficial aspects that it has had to this community. But, I know the need of it living where it is not available and it is my hope, and again in the Cayman Brac tradition we are prepared to do whatever we can, to get a Domestic Fire Service started there and we would solicit Government's contribution.

Postal Services. Another important Department that has had terrific growth and they are to be complimented, again with short staff, that they can do such a wonderful job and I wish them continued success.

Cayman Airways. Mr. President, we fully realise that air communications is indeed one of our essential services and I feel it is essential to the continued development and prosperity of these Islands as the Port Authority or any of the other Departments that I have mentioned. Therefore, I should do all that I could to support Cayman Airways, but I feel there is room for improvement.

I speak, not with a lot of information behind me, in regards to the operation of Cayman Airways. I am not able to comment too much on the pros and cons of it, but I do know, Sir, that the aircraft that now serves my constituency is not adequate. It has seating capacity for 19 or 17 as is stated, but, Sir, that is without luggage and everyone travelling, unless they are just coming to Grand Cayman for the day, has luggage. So in my opinion I would say that it is a 12 passenger aircraft and 12 seats cannot service 1,600 people plus the tourist trade that we hope to develop. And it is my hope that in the not too distant future, if the airport is not upgraded to the standard of which the BAC 1-11's can plan on a service, that consideration will made in securing an aircraft that can supply our needs. I would make reference to just over the weekend - it cost me over US$700 to go back to my home for the weekend and come back yesterday. It was necessary to charter both ways as I was way down on the waiting list on both although I had made reservations from the day the opening of the House was announced. I likewise have reservations for the coming weekend, but still I am only waitlisted. So, Sir, you can easily see that we do need improvement in this field.

Public Works Department. I have nothing but compliments for the Public Works Department. I think they have worked hard and they have achieved much and they have much left to accomplish. Special recognition, I feel, deserves to be given to the Public Works Department in Cayman Brac. They have accomplished much with very little equipment. Within the last four years, for the first time, we have had equipment that the men could really produce with and this we are grateful for.

Mr. President, previous speakers in this Debate have made reference to the vital part of the Grand Cayman Port Facility which has served to make the boom situation that exists here today possible, and I agree wholeheartedly with the other Honourable Members who have spoken on this.

Cayman Brac is on the verge of a construction boom, if reports we have heard are all correct and, Sir, just like Grand Cayman, this accomplishment will never be able to be accomplished without adequate port facilities and improved airport facilities and the necessary support services.

Mr. President, we want, we need and we must have a modern port facility and an improved airport facility. The fully most have sufficient water clearance to enable ships of the size now serving Grand Cayman to adequately be accommodated in Cayman Brac. I have heard rumours on the streets of Grand Cayman becoming the established transhipment port for Cayman Brac. Sir, having had marine experience and a little in the business there, I say this is very impractical. Already I see congestion on the Port of George Town and if you are going to let our transhipment haul and transship all cargo for Cayman Brac here, it is going to add to your congestion. Again, Sir, the past Government made a commendation at which I feel sure the Port Authority handles cargo going to Cayman Brac at the rate of $2.00 a ton which I know is far below a realistic cost. So what we will be doing, we will be creating a liability for the Georgetown Port Authority instead of trying to help. Therefore, Sir, I am asking that the Member responsible make every effort to ensure that construction on our ports commences at an early date. If we are forced to resort to a transhipment here in Grand Cayman as is happening today, it is going to continue to increase our inflation. Freight rates are now in excess of 60% of the rate charged from the United States' mainland to Grand Cayman to get it to Cayman Brac plus the transhipment charge. Also merchandise purchased in the United States in order to keep the cost on the retail down to the Cayman Islands, are not ordered in export packings and the excess handling here in Grand Cayman of our shipments is creating excessive loss which ultimately must be passed on to the consumer.

CAPT. MARK S. KIRKCONNELL (CONTINUING): Our port facility, if and when it is completed in Cayman Brac, will complement the Port Authority here in Grand Cayman, but if we are to continue with our present inadequate facilities we will be a liability to Grand Cayman as I said before.

Airport improvement is no long needed and I hope your assurance in your Budget Address, Sir, that these projects including the road on the Bluff will continue, will be a reality and we look forward to them.

Customs Department. Another important Department - one that has grown very much. We are very proud that this and other honourable houses have been in a position to reduce import duty based on ad valorem. I would like to call attention to the Honourable Members of this House that the trade revolution presently is on the cargo insurance and freight cost. This, with the airfreight to my constituency, is creating additional hardships on us which justifies our need for a port facility as I said before, but I would like to recommend, if at sometime in the future our economic situation improves to the point that consideration could be given that duty could be calculated on cost and any insurance and not on the freight, for the freight rates differ greatly as I have said before between Cayman Brac and the rates charged in Grand Cayman.

The reduction of duty has a direct benefit on the poor, or less fortunate people, and I am happy that this could be done and look forward for further dutyfree items.

Public Health. I can think of nothing that is more important than the health of a community and I am happy to see the emphasis that is presently being placed on Public Health. The rodent control has long been needed and will be very beneficial in more ways than catches the eye at first. Our people give that as one of the arguments why they do not participate more in agriculture is a loss that they sustain of crops to rats. Therefore, I feel that this can be very beneficial. I would like to say that the past Government instituted, for the first time in the history of the Cayman Islands, the issuing of the rat exemption certificates to ships entering these Islands. This has proved very helpful to the transhipment operation in Cayman Brac and is a small source of revenue for Government as well. Supervisions of the Garbage Dump will certainly improve our health standards.

Mr. President, and Honourable Members of this House, I ask for your help and cooperation. My people are upset. We cannot, as Elected Members to this house, keep them informed as we promised in election campaigning. I am accused by my people of withholding information, but I assure you, Mr. President, I do not have the information to pass on.

Mr. President, your visits to our Islands are most greatly appreciated and looked forward to by all Cayman Brackers. The Honourable Chief Secretary's regular visits and his valuable contribution to us are more than appreciated. I would welcome, Sir, and request whenever possible that all Honourable Members of the Executive Council, Heads of Departments and other members of Government responsible for administration in Cayman Brac, that they could visit us in order that we could truly feel that we are a part of the Cayman Islands. It would make our tasks as representatives easier and I think cement a better relation amongst our people as a whole.

In conclusion, Mr. President, I would like to thank you for your guidance and leadership over the past years, the Honourable Members of this House, past Houses, Civil Servants and the private sector, for the contribution which they have made which ensures the stability and prosperity of our country.

Thank you Sir.

MR. CRADDOCK EBANKS: Mr. President, I would like to say that it is an honour that I am here. If I understood correctly there were a few people that made some money running bets on me that I would not see this Assembly again. So they were fortunate enough to win their bets and I am back, but I did not get any of the money.

I do thank each and every one of this country that has given me support to be back here and I feel, Mr. President, with the choice of your desire and feeling and the colonial office that you may remain here as long as I remain. I have enjoyed working under you as a leader of this country. We did not see eye to eye all the time and I suppose that we will not see eye to eye during the rest of your term in office, but it has been a pleasure to work with you, Sir.

MR. CRADDOCK EBANKS (CONTINUING): I will just cover in brief a few things arising from the Throne Speech and the Financial Address. I will not take time to single them out individually.

There were remarks made, Mr. President, that there were a lot of things done in this country in the past four years. Roads were built, the Assembly was built, Government offices were built - I admit that and I never for once ever thought or expressed that the country had not developed or done things over the last many years. But, it is plain to be seen that five or six years ago when Industries started to move out of this country there was something going wrong. When people had no jobs to go to - that was plain fact and there was something that was causing it. And over the last four and a half years there must have been some correction, made some place, for this country to get back on its feet to the extent it has.

We will make mistakes, but when deliberate mistakes are made there must be a setback. The oil transfer for one at Cayman Brac and Little Cayman on the first application to this Government, the then Government unanimously said and said, "no, we do not want it". Yet today it is one of the booming avenues of revenue to this country after the 1976 Elections.

Over the other years of Government when they scrapped things and did things that did not benefit the country, well then did you expect the country to progress or develop? During the Caldwell Bunney they gave certain lands to the Crown which they did not own, brought hardships on people, made them spend hundreds of thousands of dollars to try to reclaim it. They were the things that started to set this country back. Since some of these things have been reasonably corrected, the country has started to grow in leaps and bounds.

Much has been said by the public, or some members of the public, that it should be slowed down or stopped. Developments like a fruit tree when it starts blooming you have to leave it until the crop is over and that is the same way with development - go along with it, cope with it and try to keep it under control as far as reasonable, but you do not have major developments every day, every year, or it will last for ever. It has to have time like everything else Sir.

What I would like to say, Mr. President, and I have made some mention of this on other occasions, is that I do not like to see investors come into this country and get benefits that they do not deserve over the people and this has happened sometimes. Recently we had a rock and sand problem here in the country. Importation was made in this field from the first time to the last of my knowledge. Some industries took a quick look at it and thought it was the proper time to come in to start an aggregate. The area that was chosen had a road into that area already. Yet, they have been given an option, a concession, to complete this road to be paid for on the exemption of duties from equipment they are bringing in. There were other quarries, aggregate developers, before they came in here and if I know correctly, they had to make a road to whatever area they wanted to go into. Government did not take the part in seeing that they got a road. It could end up that on the amount of equipment they have brought in and are still bringing in that when it is completed they may say that Government owes them and not they owe Government for the road construction. I feel, Sir, that they should have been left alone if they wanted to improve the road and they should have done it and Government collect the duties that they would be entitled to collect. Further, there was somewhat of an agreement between them and Government for Government to buy part of the material produced. I do not think that is fair either. We have other quarries here and I feel that they should be allowed to set their prices and if they set a competitive price then the public would buy from the cheapest source - but a concession or promise should not be made by Government to support a quarry 20%. I do not feel that is fair to local industry.

We had a question brought here to the House a few days ago about a crane on the dock. It appears, Mr. President, that it does not make much sense to make laws when we do things to override the law. In this case an agreement was reached that an individual or a shipping company would have the right to bring in a crane and put it in priority for their service, their ships over other ships and the law states first come, first served. I am not saying that the crane was not a valuable piece of equipment to be used on the dock, but I feel that Government should have only gone as far as to say, "If you feel like bringing in a crane at this time, it is perfectly alright, but first come, first served and when Government finds it possible to put a crane on the dock then you will have to move out". But leaving it open, again, I do not think it is fair to say to other ship owners that come and anchor out in the harbour that they have to wait for days because the company's ship comes in and puts the

MR. CRADDOCK EVANS (CONTINUING) priority. And I believe it is Government's whole intention of being reasonable and fair to all investors to make things easy as possible for them, but I know a lot of investors will do a lot of things to get a foundation laid so get in and then they change the rules. We do not want that kind of thing to exist in this country. We want every man and woman to be treated alike and fairly. I know it is hard to do everything to please everybody, but let us try to please the majority that it involves.

It is hard for a lot of people to believe that over the last few years the revenue of this country has grown to the extent certified of $6M to be spent over the next 12 months. Well, I do not see any way that it can be all spent and I do think that none of it will be thrown away. I know the Financial Secretary is very good in seeing where it is going and how it is going to be spent and I congratulate him.

Mr. President, we have two areas where (1) various personnel are being imported from time to time, and (2) there has been added burden too and that is the Education and the Medical Department. I think it is high time that Government, recruiting and bringing in personnel on staff should limit their dependents - not bringing people with them, four and five dependents because when that happens we are sure that they are more or less in the school age and then there is that much more added to the medical and Education Department as well as added medical free service. I think the limit should be drawn, Mr. President, to a couple and one child - not more than one child. If Government cannot keep enough they will find when they want without bringing in personnel with two, three or four children. And I do not feel that this should continue. I know that for a while Government will have to import staff in certain categories to continue Government's functions, but as I said there should be a limited line with people bringing large families.

The schools are being crowded. Each year it seems to me that there is an extension or expansion to the school buildings which requires new teachers as well. With over $6M to be spent on education for this year unlike the monies that Government have spent on education over the last years, while we feel reasonably satisfied that the growth in classes are higher each year the high enrolment in the classes with the students is not increasing that amount. And with that amount of money being spent on education the type of teachers that we have (and the teachers are not to be blamed for this) students ought to come out of school better advanced in their education than with what many of them are leaving school with.

Many of the children cannot go to the offices of employment seeking people and get a job because they cannot meet the qualifications that are required. In my opinion is to me that the children do not have enough books, they are just left alone to waste most of their lives and this is the criminal side of it. I do not think that parents are taking enough interest in their children to see that they rehabilitate themselves in studies and go to school as they should do. They seem to think that because they give them $5 to spend at school each day that that is all they have to do, but that is a very small part of it. When dozens and dozens of students leave with probably one 'O' level or two or no CXC's - where can they go with them? When they come out they have little or no interest to further their education and parents again seem to go along with them and leave them just to lob around - go if they want to go - get a job if they can get one and that is it.

All the idleness and nonsenses of children at home create problems in the schools, problems in the outside and problems on the bus. Every way that you turn you pick up the newspaper three times a week and there are numerous amounts of applications asking for young people to fill vacancies and the same applications appear week after week and nobody is applying for them or if somebody applies they cannot meet, even in the preliminary stage, what is required.

I would hope, Mr. President, that everybody concerned and involved would attempt to see that we get something more from the schools than what we have been getting. As I say I am not putting any blame on the teachers. They have their faults I am sure in one way or another and I believe that 50% of the teachers in their different fields are qualified to be there.

For some weeks I have been hearing much rumour about the Hospital - they were things straightened out - the Hospital is this and the Hospital is that. I believe if some of those people who find so much wrong about the Hospital and its workings and the staff, instead of going to the hospital and say they do not have the $10 to pay and if they were to take that $10 and go to some other doctor than the Hospital would rest in more peace.

MR. CRADDOCK BEARDS (CONTINUING): There have been a lot of improvements in and around the Hospital over the last few years and as has been pointed out it is the first that the Hospital is being advanced to where it is today with the facilities that are being added to it. I know that it is not possible at this stage and at this day and age in our small territory, with our population to have specialists of various fields mentioned in the Hospital as some might think, but we do have a good medical staff and I am sure that they are doing their utmost to try to cope with the public. And if everyone was satisfied there would still be something wrong. The Hospital never had a policy until recently, you remember to the Third Elected Member from West Bay a lot of grievances and complaints were brought to him about the situation at the Hospital recently. I do not feel that it is the right step for the public to be taking complaints to me or any other Elected Member when there is a staff and people who deal with the Hospital. We have the Principal Secretaries, we have the Member responsible for that and they should start through those channels, those sources, if they have problems or want to know why this and that is happening in the Hospital and I am sure that if it gets to the stage where it needs to be known, the Member responsible for the Hospital will bring it to Members.

We had an incident a few nights ago where hundreds of those papers are floating around all over the world and in my opinion, Mr. President, that was done internally by some member of staff in the Hospital compound. I do not think that it was anybody from the street who walked into that compound and carried out such an act. I trust we will not see this faced on the walls of the Hospital or any Government building in the future because that type of vandalism or bad behaviour really needs to be looked into.

Mr. President, just a few words on the Police Department. I have said already, Sir, and I will repeat again that it will be a long time before we establish a Police Force, in this Island that we would like to see simply because we are not getting the type of people that should or would qualify for this. We are getting young teenagers, they are small in every way, and they are given a uniform and put on the street and I do not know how long it would take to establish the first degree of discipline in them to respect people which they do not seem to know how to do. And when that is not the starting point it is hard to build a Police Force - it is hard to build a relationship between the police and the public and until a good relationship is built between the two it is hard to build a Police Force.

A young man was talking to me this morning. He did not come to me with a complaint, he just spoke in connection with the amendment to the Traffic Law which was dealt with here a few days ago. When he stopped in an area which he knew was a no parking area, he did not intend to park there and he was less than two minutes when the police came up and started writing him up a ticket. They did not even try to question him or ask what he was doing there and that he was in the wrong place, but started to write a ticket immediately. That approach, Mr. President, builds one thing - a barrier and it is like most wounds - when you get a cut even after the scar has healed the mark of the wound is still there.

Some of the behaviour of the police in the eyes of the public is just as bad as any member of the public. We have speeders on the road and the police are as much to blame as the general public. Cars are wrecked on the roads and often these are members of the Police Department. This is just a poor example as anyone can see for the public. How it will be overcome, I do not know. We have a new Commissioner of Police and he has publicly stated that he will build a Police Force that the country will be proud of. I have given him my assurance that I will work with him to the best of my ability and in any way that I can and I hope it will prove to be a success. I am not attempting to say that they do not do anything or that they have not done some good things, but there is a lot of improvement for more to be done in a better way.

How many police are there in the Police Force that do not know Craddock Beards? They know my name when I do not even know some of theirs and yet they will drive on the road by the dozens from time to time and not one will even say good morning - will not even raise a finger. When these things happen and no respect is shown for people - I am not working for any diamonds or medals, nor to be held up for a new showcase, but as a Justice of the Peace and a Member of this Honourable House, I feel that any police ought to have enough discipline and manners and respect to speak to any Justice of the Peace in some form or the other.

MR. [illegible] (Continued): The Public Works Department. I believe they will depart by the end of this year if they attempt to complete or try to cope with the amount of work that is expected to be done this year. But, there are two areas, Mr. President, of roads that I concerned about and I would like to see some attempt made to do something about these two areas of roads for the safety of people walking. And that is Walkers Road going up to the High School in George Town; the sidewalks of that area needs to be improved to where pedestrians and school children can walk rather than having to tear through bush on the sidewalks. It is only a miracle that lives have not been snapped off on this road by traffic in the high peak of children coming out of school and not only with the buses, but the countless number of cars - parents going to pick up children - the movement of traffic is just beyond and I feel that that area of road should be looked into at the earliest possible time and widened to the full width to where pedestrians can be more safe in walking.

The other area, Sir, is in George Town out to Hurlers Town. Both the growth of traffic that we now, and especially over the months since the quarry has been established in East End and the type of trucks that are travelling that road, it is becoming more and more dangerous every day. The automobile itself little enough chance and the pedestrians do not have any if you ask me Sir. And I feel that those sidewalks should be cleared and cleaned completely against the fence and brought up to some standard to eliminate the bush from encroaching it upon where the pedestrians cannot walk. And I trust, Sir, that this will be looked into by the Public Works Department and the Member responsible for Communications and Works because I am going to deal with it at length in the Finance Committee.

I know they have other roads to be looked after, to be improved. Other roads that they plan to start building, but I feel that these two areas are very, very desperate in my view.

Mr. President, mention has been made, I believe by more Members, about Cayman Airways. The Third Elected Member from West Bay made certain remarks that the people are confused, they are worried and they do not know what is happening and what is going on with Cayman Airways.

Previous two years with Cayman Airways during Local Time, eight Elected Members in this House - the only thing they knew about Cayman Airways was seeing the name somewhere. They knew nothing about the operation - what it cost - what it did not cost, nor anything else. As far as I know, Mr. President, it has been on the air numerous times. It has been in the press from time to time what the cost was of buying these planes. It was not held up or hidden any place, it was publicly know it was a basic purchase and nobody can say that Caymanians, the population of this country, did not know anything as to what was happening. The only time they did know was previous to 1977. Before that time the Elected Members knew nothing. When the question was raised about Cayman Airways prior to 1977 it was none of our business. The public are not being told that today - they can read it in the press - they can hear it on the radio. So why should people or anyone continue to try to deceive some people by misleading information that is conveyed.

The same Member mentioned the importation of Returning Caymanians or residents in Cuba back to Cayman to be used as a labour force. I believe, Mr. President, that any Caymanians living in Cuba that wanted to get out, they would get out. We have a British Embassy in Cuba who will know where to go and what to do.

Monday, in Jamaica, imported them two and got the results. I think any Caymanian who is there - any genuine Caymanian who wants to come back, he or she, they will find their way back and I'd so be the relatives and Government of this country will accept them. But I do not think that this Government should take any steps to try to round up those Caymanians who might be living in Cuba and encourage them to come back. They have lived there long enough to be well established in the doctrines of communism. You can raise a pig in a palace, but put him outside and he will pitch in the first mudhole he can find. So when you are raised with and under, you do not just leave it behind you - you take it along.

MR. CRADDOCK EBANKS (CONTINUING): ...Mr. President, much has been said about shortage of housing and it is being expressed that Government need to give consideration to a housing scheme where the most unfortunate can be better helped with building a home.

According to the Bible it spells out "help yourself and others will help you". We have, in my opinion, Sir, a lot of people in other countries making little or no attempt to try to build a home. To go to the bank the rates are too high. But you find some of the same men, whether they be young or middle aged, with reasonably good jobs getting anything between $250 to $350 a week in the common labour field. But this is too small to start to build a house and the rates from the bank to borrow money are too high. Yes, the same man can visit the cliche, the bars, Monday through Sunday and pay $2.00 to $2.50 for a bottle of liquor and leave the change on the counter and tell the barmen or barmaid to pick up the change. The same man wants a $6,000 to $7,000 car and he goes to the bank to borrow money to buy a car. He wants a T.V. and goes to the bank to borrow money to pay for the T.V.. He wants to go on two months' leave and goes to the bank to borrow money. All of these things are all at the same interest rate, but he cannot pay the interest to buy lumber and cement.

Mr. President, I am saying it is Government's responsibility to help those who cannot help themselves and help those in some measure that will attempt to help themselves first. When I started building my house I was getting three shillings a day and I worked eight hours, not seven and a half and that work was to put somebody's grave piece. We have a reputation and he in turn would work back for me.

Mr. President, last but not least, the Constitution. It was stated by many Member, every candidate that stood for election, that they did not intend to interfere with the Constitution because if we interfere with the Constitution this country would be gone.

During campaign time do you developed around in my community that they felt it was time for two Members to serve as Elected Members from that District. Yes they said they did not want a change in the Constitution. When I read it out to them or asked them to turn before reading how many of them ever saw the Constitution, probably three hands out of seventy-five had. Yes the other seventy-two did not want any change. Since they said that I said, "I shall read what the Constitution stands for: there are twelve elected - three from West Bay, three from George Town, two from Cayman Brac, one from East End, one from North Side - so if you do not want to change the Constitution you will have to leave it as it is. If you want more Members as you are saying then you will have to think in terms of changing the Constitution. So you are between two fences now and which side you are going to fall on, I do not know".

Mr. President, I may say that I am a bit sympathetic somewhat towards the Cayman Brac feeling. But the life of us figure to working people may please that we are going to work it so we are going to have the likeness and the cooperation with everybody that we are working with, we are making a mistake. You can go on a ship with fifty to seventy five on it and you have one or two out of the crew that are hard to work with, you cannot get along with, but you either have to quit or wait until they quit. And I feel, Mr. President, if the Constitution is going to attempted to be changed for Cayman Brac there are going to be a lot of other changes. The Constitution does not come in one day change in any geographical sense or area and when any people get stubborn a lot of time the innocent suffers for the guilty. The only support that I am going to give if there ever comes a time when it is the desire and wish of the people to change it, the population of Cayman Brac is a very small percentage to the population of the whole three Islands that got their two Elected Members and I am saying this, Sir, that I feel certain that both Members have their Islands, Cayman Brac and Little Cayman, at heart and they will do everything they can for their people and so will the other 10 Elected Members of the Cayman Islands do as they always did to give Cayman Brac what is due to them. And I cannot see, Mr. President, where so much is going to go on in Government that the two Cayman Brac Members want to know what is going on. They will have the opportunity to give their part in the same way if there was one on Executive Council because when we go into Finance Committee they have the same opportunity, the same privilege to arise and debate their issues and stand for what they feel is right.

MR. MEADOCK EBANKS (CONTINUING): I feel, Mr. President, that the 27th of November has gone down with history and it should be left alone to rest in peace until the next election, whether I be here or not and the twelve that have been elected to represent these three Islands get down and put shoulders together and stand for what is good for the country and make the lives of everything for everyone concerned. I do not feel, Sir, that we should be trying to rip apart what happened yesterday - that is gone. Let us look at today and tomorrow as we face each day and try to make the best that this country may continue to be a free country of movement, freedom of speech and every man and woman will be justly proud of their country and the Government that represents this country.

I thank you, Sir.

HOUSE SUSPENDED AT 12:30 P.M.

HOUSE RESUMED AT 2:36 P.M.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to congratulate you on your Throne Speech which as usual was very comprehensive, informative and admirably presented. It embodies Government's progress during 1980, Government plans for 1981, the challenge of rapid expansion and Cayman Airways.

I would also like to thank and congratulate our capable and dedicated Financial Secretary for his Budget Address which outlines the progress of the Cayman Islands since 1972.

Being an immediate past Member of the Executive Council, it makes it most difficult for me to speak on this occasion. However, those who know me and know me well will appreciate that whatever I say is always frank and fair without fear or favour. I will, as usual, Sir, try to be very brief.

I believe the past administration did a good job and the financial position as outlined in the Throne Speech and Budget Address should leave no doubt in any person's mind that our country is indeed in good financial condition.

It was my hope, however, that Government would have held the 1981 Expenditure to the level of the revised Estimates of 1980. I feel that we should have started off this period a little more conservative because I believe that we are at, or near, the peak of our earning capacity. Furthermore, we should always aim to put something aside for a rainy day to meet any eventuality.

I would like to make my position clear from the beginning so there will be no doubt of my policy during the next four years. I shall support the Government to the utmost wherever they are right. I shall oppose them to the hilt when they are wrong. I would like to see the 1980 election issues behind us and work together for the good of this country.

I will now touch, Sir, on tourism. The growth in tourism has been excellent and much hard work has been put into promote and bring it up to where it is today. There is however a major problem facing the industry and that is related to the disposal of sewage, particularly on the Seven Mile Beach area. If this problem is not resolved, we will soon become known as the cesspool resort of the Caribbean Islands.

This problem, Mr. President, has been with us for many years so no one administration can blame the other. The rapid development which has taken place on the Seven Mile Beach over the past eighteen months has suddenly made most of us aware of this problem and its serious effects. I suggest that Government give this matter priority and take steps to solve it now.

I am reasonably sure that all the developers on the Seven Mile Beach would contribute to the establishment of a proper sewage system. I do not mean a contribution scheme similar to that proposed by Cayman Water Company. I mean a proper system where everyone will benefit.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): The Financial Industry. We have no mineral resources and we are not an agricultural or industrial country. We are basically a country of services. It is therefore essential for us to maintain a stable Government, good communications, a friendly attitude to all those who come here. The services of a financial centre are very demanding. We have coped very well with the challenge, however, the recent move that New York has established an international banking facility does not augur well for our future.

I am sure, if this facility is successful, other States will follow their example and our importance as a financial centre in all probability will diminish. We should service our financial industry diligently and take whatever measures are necessary to promote and make it as attractive as possible. We should make sure that gainful occupation licenses to the people who are required to operate this industry are issued without undue delay.

We have the confidence of the international financial community and let us do anything to maintain and improve our image at home and abroad.

Currency Board. I do not agree that the currency notes should be $10 and $100 respectively. It has been stated that the aim is to make changing of money easier and to get visitors to purchase the $40 note because it is equivalent to the £20 note. Mr. President, with a little consideration one can see the problem that we will have if the note is $40 and $100 respectively.

For instance, a $40 note will take one $25 note, one $10 note and one $5 note to make change for it. Similarly, to use the $40 note and change it into $100 we will need two $40 and two $10. This does not in my opinion add up. It is what I have often heard referred to and I will say that the $40 note is what I call a square peg in a round hole. I hope, Mr. President, that the Government will reconsider and think of the inconvenience and think of the uselessness that a $40 note will have in the future on this Island. It is similar to the $8 note which the United States issued many, many years ago and has gone out of existence. They could afford to withdraw the $8 notes and dispense with them. I do not think we are in exactly the same financial position as the U.S. Government Treasury. I would like therefore to see Government take a further look at this before coming to a definite decision to print the $40 note.

Mosquito Research and Control Unit. I do not believe it is possible to pay too much tribute to the Director of MRCU and his staff for what he has done for our Islands and particularly Grand Cayman. My colleagues from Cayman have mentioned earlier on that they were always glad to leave Grand Cayman in olden days. I remember quite clearly and I had to do it on many occasions in those days - leave the little village or dock that we had then and go in the streams so that one man could rest at night.

Cattle were smothered day after day during the height of the mosquito season. There could be no development today, if the mosquito problem had not been solved. Let us be very thankful of the great contribution that Dr Giglioli has made to this territory.

Mr. President, there are two matters that came about during the question time which I would like to clarify at this time. One is on salaries that I had inadvertently or inaccurate given or about to be given Executive Council before it was actually issued or given. I left Executive Council in November. I knew about the Hill report. I was not aware of what Executive Council Members would get as a result of this report and it came as a shock to me when the question was asked and I started to delve into it and found that it was correct.

Mr. President, during the 1976 - 1980 period three of the present Executive Council Members and myself declined to accept the two increases that were made in 1977 and 1979. We made this decision because we felt it would be a good example, not only to the Civil Servants, but to the rest of the country and it would show the country that we put service before self. I will, Sir, and I say it again, even if it is legally justified that those two raises 1977 and 1979 can be given to the present Members that it is morally wrong to accept something that is unjustified at this day and time.

CAPT CHARLES L. KIRKCONNELL (CONTINUING): I would like to go on record, Sir, that I was a Member and I remain a Member and my policy to service before self. I am sorry to see that the cards have turned around. I do not say this merely to be offensive because the other three Members of Executive Council and myself in the former administration worked very, very closely. It was not the money and we tried and we had an object in not putting the money where it would attract the wrong people and that those people, instead of coming into the service to serve the country, they would make a special effort to get into politics for the purpose of getting all that they could from politics.

The second question which unfortunately got side-tracked in the question time was the matter of the crane on the Port Authority. It was my intention to bring to this House the situation that existed and had existed on the dock during my past administration. In 1970, shortly after the dock started to operate, Tropical Shipping pulled out their services and the Tempsons brought in a container ship which required the use of a crane. They came to us and asked if they would be allowed to bring a crane - they would not operate do, they would turn the operation over to Nixon Industries Ltd and they further requested that they only wanted to use the crane specifically for their own ship. I took a paper to Executive Council, explained the position at that time; Executive Council was very sympathic and did not implement 47 and 48 of the Port Authority in be worked to help the shipping company.

Mr. President, there was another company, Nybur Company, trading out of Miami to Grand Cayman at that time and the first problem that arose was with them and the owners of the crane - Nixon Industries of course objected to, but he was given by orders. The first thing they did was to apply a minimum of 4 hours on the ship owner and made an exorbitant charge to make the freight rates that he was getting uncompetitive and caused the freight rates to rise and causing our consumers to pay the difference in this unnecessary rates which was done to eliminate a competitor.

Later on the two shipping companies amalgamated and the service continued without any problems with Hydes Shipping Company. The next thing that happened, Sir, Nixon Industries went to the dock one morning to work his crane as usual only to find that the key of the crane had been removed and he was told that he was not going to operate this crane anymore, they were taking it over. This has not been resolved since. I know that there is litigation over this matter and that this will be resolved in the courts.

If the Member has any doubt about what I have said, the files of the Port Authority are there to prove that there has been trouble on the Port and he can also check with Mr George Hunter, Capt Theo Bodden and Mr Rupert Hayes who will bear out what I am saying to be correct.

Interestingly enough the very day that the Member was answering my question a ship arrived and needed the services of a crane. They were advised from the day before that the crane would be necessary. The ship arrived and it was destined, I think it was 36 hours before the crane got to the dock. That is number one, Sir. The second thing - is a crane a viable proposition for the Port Authority? The figures show that the crane operated 2,000 hours and it derived about $335,000 revenue. The cost of a crane, that is a second-hand crane, will be about $300,000. A crane could give the Port Authority additional net revenue of between $200,000 and $270,000 per year. An investment that would show a return between 66% and 80%.

Mr. President, if that is not valid enough reason why the Port Authority should purchase a crane, I do not know if I can make it any more clear. It is laid down quite clearly what the functions of the Port are and one of those functions says the Port must own its own crane. And secondly the Port has the authority to purchase its own crane and it has its own money. Last year the Port showed a profit of approximately $900,000. A sum that we must all realise is quite a good contribution to this Island's revenue.

I see no reason why Thompson Shipping, Kirkconnell Shipping, Foster Shipping or any other shipping company should come to the Port of George Town and derive this benefit which the Port should get which in turn is passed over to the Treasury and the people of this Island get the benefit of its earnings.

CAPT CHARLES L. KIRKCONNELL (CONTINUING): Cayman Brac and Little Cayman. As everyone is aware, Sir, hurricane Allen struck Cayman here in August last year causing considerable damage to houses and property, but thank God no lives were lost. The crew of Her Majesty's ship Sapphire came ashore and they worked like Trojans and helped to restore electricity and the telephone services in record time. The job they did within two weeks would have taken the people of Cayman Brac at least three months. This showed the people of Cayman Brac, at least, the benefit of being a Crown Colony. What we get from the United Kingdom is often overweighted. The invisible help, the protection, the international recognition and representation which the United Kingdom is giving to this country cannot be counted in dollars and cents. Without the protection of Her Majesty's Government, we would have no stability. This is the main source of our stability. As long as I am a Member of this House and a citizen of the Cayman Islands, I will continue to uphold and be a loyal citizen to the Crown.

There were many generous contributions to the people of Cayman Brac. Government was the principle helper. Cayman National Bank made a very worthy contribution and they rallied the people of the three islands to help the people who suffered as a result of hurricane Allen. These contributions made the effort more bearable to the people there. It was during this period, Mr. President, that I spent time over there and time on my holiday. I put it short and I went back to assist the people in every way that I could and I am sure that the little help given was appreciated by the people of Cayman Brac.

We used a complete work-force to repair the damages and as a result all of the 1980 programmes were put back three months. We are still working on these projects today. Mr. President, there were a lot of things that came to light after hurricane Allen. I did not know that so many people on Cayman Brac were living under sub-standard conditions. They did not have the basic necessities of life. The money spent was well spent and I advised the former Government and asked them to think of putting a sum in the 1981 Estimates to follow through on this programme so that the people in Cayman Brac would not have to do without the basic necessities.

I am very happy to see that there is no change in the project or the programmes for Cayman Brac as revealed in the Throne Speech and Budget Address. It was also reassuring to hear the Second Elected Member of Executive Council say that his policy will be to continue helping the people of Cayman Brac and Little Cayman.

I am going to touch, Sir, on a very sensitive subject, not to me in particular, but to the people in Cayman Brac.

I have noted, Sir, your comments on the request made by 197 residents of Cayman Brac for a change in the constitution to ensure that an Elected Member for Cayman Brac will be included in the executive branch of Government in the future. There has been some doubt and some confusion in people's minds why only 197 signatures. This certainly does not represent the majority of the people of Cayman Brac. The Committee, Sir, did not go after numbers, they did not want to make Mr. Deare's task uncomfortable in any respect. We could have gotten the entire population, when I say 90%, to have signed the petition, but no effort was made even to the one former Member of this Legislative Assembly, Capt K F Tibbetts who said that he agreed with the petition, but the people did not elect him and therefore he would not sign it.

What we intend to do now is to bring this problem to the attention of the Foreign and Commonwealth Office so that they could set up an investigation to determine how serious the problem is and prevent trouble before it starts. And I been a different type of person there would have been a lot of trouble, but I am not a radical, Sir. I am a loyal British subject. There is an old but true saying "A stitch in time saves nine".

We are therefore looking forward to the Foreign and Commonwealth Office sending an investigator to Cayman Brac and Little Cayman when he will find out at first hand how determined the people are and what will happen if this problem is not resolved.

Mr. President, Cayman Brac and Little Cayman are separate entities. They are not districts and as separate entities they must be treated differently. With the greatest respect, Mr. President, I disagree with you with your remark that other sectors of the population must receive similar treatment.

CAPT CHARLES S. KIRKCONNELL (CONTINUING): I do not have any letters behind my name as numerous as is found in a few of Cornwall's group, but, Mr. President, I have experience and I know my people. Cayman Brac and Little Cayman have their own District Commissioner. It is a point of entry and exit. There is a Customs Department and also an Immigration Department. There are several boards operated independently from those in Grand Cayman. They have their own hospital, airport and other facilities which the outlying districts of Grand Cayman do not have because they do not have any need for them.

The separation of the Islands by 89 miles of water makes all the difference. It is quite easy for one to drive to any district in Grand Cayman within an hour and the people in the outlying districts have no problem going to the head of any Government Department in George Town. Therefore no comparision can be made between the Lesser Islands and the outlying districts of Grand Cayman. Neither should there be a political comparision.

Since the election in November last year, a period of over three months, not one Elected Member of the present Executive Council has visited Cayman Brac or Little Cayman. Now then, Mr. President, can they make plans and decisions to comply with the wishes of the people when there is no contact with them? How is it possible for them to understand the everyday problems and needs of the people living there? What difference does it make to them whether or not we have a proper airport, a port or any other facilities? They do not have to use them or suffer for the lack of them. I pose the question, Mr. President, is this the type of representation that the people of the Lesser Islands are amenable to tolerate?

Mr. President, it is most fortunate that we do have an Official Member from Cayman Brac in Executive Council. Otherwise there would be absolutely no association with this Government.

Mr. President, the Second Elected Member said that this is the first time Cayman Brac and Little Cayman have had three Members from there representing them. Mr. President, this is incorrect. In the last House we had three representatives, plus another member who was representing the district of West Bay. What will happen when one day Cayman Brac may not be fortunate enough to have an Official Member serving in Executive Council? What will be the position of Cayman Brac and Little Cayman then?

I want to make it abundantly clear, Mr. President, that the people are not asking for an amendment in the constitution, they are quite happy with the present constitution. The people simply want the recommendation made by the Legislative Assembly's Select Constitution Committee of 1971 embodied in the present constitution. And that embodiment clearly stated that there be a seat in Executive Council for one of the Elected Members from Cayman Brac. This is all we are asking. I consider this fair and reasonable and steps must certainly be taken to cure this problem. This is not a frivolous matter, Sir, the wishes of our people must be given serious consideration as they are determined to have representation in Executive Council by one of the people they elect.

Mr. President, the last speaker made a remark that the reason the Member of Cayman Brac was not included in Executive Council was because he did not comply, or, he disagreed with the other Members. Mr. President, nothing could be further from the truth. The four past Members of Executive Council worked very, very closely together. I did not agree with everything that was done, neither did they, but at least we always allowed the majority decision to rule. The very Member that I think he referred to that I had difficulty with was the very Member that I worked closest with. Mr. President, I would be less than a man to have compromised my position and allowed political expediency to cause me to sacrifice my principles. I am prepared to stand by my belief, regardless of the consequences.

To prove, Sir, that I are not all that wrong, the people of Cayman Brac gave me their support and almost wholeheartedly. The other Member who I feel misled my former Executive Council Member lost his seat because of his stupidity. The voters of Cayman Brac took care of him.

CAPT CHARLES L. KIRKCONNELL (COMMUNITY): Mr. President, I have heard that a certain shipping company has said that Cayman Brac needs no port facilities and that they can save this Government money if allowed to put in a crane and other equipment and that they are prepared to operate a shuttle service between Grand Cayman and Cayman Brac.

Mr. President, I have shown this Assembly why they are anxious to consolidate and put another crane in. This can never happen, Mr. President. I do not wish, and no shipping company should be involved in the operation of a Port - the two have distinct functions and they must stay within these functions.

A lot of planning and hard work has been put into this project by the engineers, myself and a committee of 27 well qualified seamen from Cayman Brac. We studied the plan that the engineers drew up and we made recommendations to the Government engineers, who worked on the project, and we were able to convince them that the changes were absolutely essential. The site was changed from the west side of the Creek Barcadere to the west side and this was done in order to preserve the landing that is used by the fisherman and other small boat owners. It was also found out, Sir, that there was deeper water on the east side which would enable both sides of the dock to be used at one time. A further consideration was that this would give more protection to the dock apron and the vessels if placed in that position.

Mr. President, the people of Cayman Brac have suffered long enough for the lack of port facilities. The cost of transhipping has increased the cost of living there by 15% at least. It is absolutely essential that we get direct shipments into Cayman Brac in order to reduce the cost of living there and ease the hardship created to the people. Furthermore, Sir, the Island would not be able to cope with any expansion under the present conditions or the proposed condition as I hear that has been handed into Government.

You have had problems here in Grand Cayman and certainly today, but that port facility not been made we would not have coped with the expansion that we have enjoyed over the past few years. To give you a typical example of what transhipment services are costing the people at Cayman Brac - gasoline, when it was selling here for $1.51 per gallon, the people of Cayman Brac had to pay $1.91 per gallon, a difference of 26%. Esso Oil Company, Sir, while I was the Member responsible, promised to look at the situation once we had some sort of port facility with a view of establishing a small tank terminal there. This would eliminate and reduce the cost of fuel there equal to what the people have to pay in Grand Cayman. If ever we are to cope with the potential development, we must have proper port facilities.

Mr. President, there is one more point I would like to make before closing and that is on Immigration into the Lesser Islands.

We want our own Protection Board. We want this Protection Board because Cayman Brac and Little Cayman have different problems than Grand Cayman and we want to be prepared to cope with the development when it comes and avoid the errors that have been made in Grand Cayman. We want to select people who are prepared to settle there and at the same time provide the necessary skill that we will need. There is a lot of unemployment in the United Kingdom at the present time and this is the area we would like to bring people from.

Our forefathers, Mr. President, came from the United Kingdom and by and large I think they and their descendants have done a fairly good job here. Mr. President, your favourable consideration and assistance would be greatly appreciated in helping us to establish a proper Protection Board for the Lesser Islands.

I would like to thank the three former Members of Executive Council who helped me to make Cayman Brac a better place to live over the past four years. I also wish to thank you, Mr. President, for your help and guidance given to me over the past four years. I had the privilege of having you as my leader and counsel. I shall always remember your kindness.

HON G HAIG BODDEN: Mr. President, I reply to the two speeches delivered last week at the start of this sitting of the House and I am happy that I can say there has been no real criticism of the Budget. Members, as they have the right to, have expressed their discontent with a few small areas of activity within the Government, but by and large there has been no criticism of the Budget. The reason, Sir, is that there could be no criticism of the Budget. The only possible criticism of the Budget was that it is a bit big. This criticism came from the last speaker and he has a point of merit there which I might deal with later on, possibly tomorrow or the following day.

We have put forward a Budget in excess of $74m, the largest ever presented to this House. It has come at a time which as far as Government is concerned is the most prosperous time in the history of British rule in the Cayman Islands. We as a Government were forced to put forward this large Budget in order to keep up with the phenominal expansion of the economy. The reason why there could be no criticism of the Budget is because although it is large it has been put forward without any new tax measures to provide the funds for it. There were also no increases in old tax measures. There were no increases last year either and we trust that none will be needed for 1981.

The Budget has been put forward with very little innovation in mind and I will deal with this point later on as well. It has been put forward with no increase into public debt and best of all, it has been put forward with a projected surplus of $2½m - so that after spending all the money necessary for Government's billion-dollar recurrent expenditure and after providing for a substantial amount of increased new services and after taking care of our long-term debt obligations, we have projected that at the end of the year, 1981, we should have a surplus of $2½m.

I heard a discourse in this Chamber on how to govern and what should be done. The Second Elected Member of Executive Council dealt with this very forcefully when he referred to Columbus's building the egg stand on end. But the real judge of Government is not the Members themselves. The real judge of Government is the population of the country that is governed. How the public feels about the present Government and particularly the four Members of Executive Council from 1970 to 1980 was dramatically shown in the November election last year when every Elected Member of Executive Council was returned to the House with a resounding majority. The two Bodden Town Members were returned with a landslide. The Member from Cayman Brac topped the polls with a large majority and the other Member from George Town also was returned with a resounding majority and the new Member to Executive Council had the fortunate position of seeing his only rival struggle to raise his deposit at the last election. And so judgment of the 1976 - 1980 Government was handed down by the people in November 1980. This, Sir, is in contrast to the judgment handed down in 1976 on the Executive Council Members from 1972 to 1976. Two four Elected Members were removed, not only from Executive Council, but from the legislature by perhaps a larger majority than the 1976 - 1980 Government had been returned by.

The pluses in the 1981 Budget will boggle the minds of any economist. We have brought forward a surplus revenue of $65m from 1980. This surplus has been brought forward after putting many millions of dollars into reserve. If we had not faithfully tucked away in a rainy day account the reserves which we did over the last two years, we would be bringing forward a surplus of $11m. This, as I mentioned, in despite a policy of no new taxation or reduction in existing taxation which as the Member from Executive Council who has already spoken declared is a wonder of the economic world. The pluses in the revenue were lost by the pluses in expenditures projected for 1981.

We are looking at the largest capital expenditure ever programmed and while at this point in my debate I am not concerned with the level of that expenditure, I want to say that we have projected for capital expenditure to come out of our local revenue at a rate of $11.5m. Now when a person can embark upon capital projects that will last for 30 years and can pay $11m worth of those expenditures, out of today's pocket money this is really a remarkable housekeeping feat.

HON C. GATO ROBINS (CONTINUED): One Member, the Third Member from West Bay, admitted that he found many surprises in the 1981 Budget. This is not surprising because many things happened and many things happened in a different way during the years of his political exile. The surprises that he mentioned I believe were that Government's revenue has increased in the those four years. That Government has put in little or no taxation. That Government has removed or reduced the duties from certain items. That we have gone from a country of deficit spending to one of balanced budgets with huge surpluses. Those are surprises. I too, in this sitting, have received not only surprises, but sadness which again will be dealt with tomorrow.

If one looks at our capital revenue one will see the dramatic story of the 1976 to 1980 administration. Capital revenue, as I understand it, is the revenue which pays for capital expenditure and to get a true picture one needs to trace, and I hope the House will bear with me, our capital revenue from 1972 to 1981 because this is a significant period in our history. 1972 was the year when we embarked upon our new constitution. 1976 was the year when for the first time the Elected Members of Executive Council were given a hand in not only helping to raise revenue, but in helping to spend it. And I will do this very quickly. In 1972, the year of the new constitution, our actual capital revenue was $1,102,823. In 1973 it had been reduced to $630,313. In 1974, the first real year under the new constitution, the approved capital revenue was only $129,542 - it had fallen to one tenth of what it had been in 1972. In 1975, the third year of the new constitution, we saw for the first time a deficit capital revenue of $415,877 and Government began to get in trouble. In 1976 the approved capital revenue was $1,091,554. In 1977 it had dwindled again to $467,181 and now, Mr. President, comes the dramatic part of our capital revenue. In 1978, the first year under the new Government, our actual capital revenue had risen from $367,191 in the previous year to $3,584,288 and the story goes on and on. In 1979 it had again increased to $5,808,253 and in 1980 again there was an increase bringing it up $7,237,811 and the Estimates for 1981 are no less with a projected capital revenue of $4,587,499. But this is only part one of this story.

To look at really what has happened to Planning, to look at what has been we from deficit spending to surpluses, we have to take a quick look at the loans and development aid for 1972 to 1981. In 1972, presumably this is at the beginning of the year before the new constitution had a chance to work, loans and development aid totalled $460,780. In 1973, the first year of the new constitution or the start of the final year, loans and development had increased a whole to $3,564,000. In 1974 it was again $3,340,161. In 1975 again it was $2,161,620. In 1976 again it was $4,440,620 and in 1977 it was $1,338,715 I may say this was a penny saver from 1976 when the balance of the big loan from the Post was drawn down. But, now comes again the dramatic part - from these $1m and $2m and $3m of loan in 1978 we had a drop to roughly $214,000. 1980, loan and aid $821,000. Projected for 1981 $815,922. And there we have the story of the loans - how that in the final four years of the new constitution your loans were running you from $1m to $3m and in the last four years the loans are insignificant. But as the Americans say the real story of success is the bottom line, or the surplus revenue - that surplus which is left over

And here again we need to round the figures from 1978 to 1981 in order to get the true picture. In 1973 the old Government inherited a surplus reserve of $351,103. In 1974 that had risen to $930,932. In 1975 it had gone up to $2,019,086. But, now comes the dramatic year. In 1976 the bottom line, for the first time in our history, did not show any reserve although the year before the reserve had exceeded $3m. In 1976 what should have been a reserve was a deficit of $914,780 and by early 1977 when the old introduction of the old Development Plan 1976 had taken effect it had fallen - the deficit was $177,600 and in 1978 the deficit was over half a million dollars. That is what we were faced with, but here again just as we had a deficit and as we have seen in the two previous occurrences of Planning the dramatic part started and in 1979 for the first time we again had after three years of deficit spending a surplus reserve of $1,063,932 and in 1980 this had increased by 200% to $3,316,514, and in 1981 it is again increased, this surplus reserve reserve, to $4,440,693. And so it is no unusual circumstance that the Member's first day in this new House should have been like Christmas morning, filled with surprises after surprises.

HON C. RAIG BODDEN (CONTINUING): And this year we have projected capital expenditure in the vicinity of $13m with $11m coming from actual cash collected during the year. Good housekeeping, good financial housekeeping, not borrowed money which our children and our grandchildren will have to repay. Do you know what this means to them in the savings on interest? - No wonder he queried about what the grandchildren and children said they wanted from the speech without the Development Plan and I will deal with that in its entirety tomorrow. But these figures become meaningless if we do not examine the public debt. The public debt of a country is like a mortgage a man takes on when he is building a home because if he does not complete those mortgage payments, as sure as the sun rises, he will lose his house and if we do not complete the payments on our public debt the country will not only lose its credibility with its former creditors, but it will also lose its ability to borrow in the future.

On the 1st of January, 1973, our public debt, or the debt which the new constitution found was only $1,004,241. On the 31st December, 1976, when these gallant Members were not returned to the House the public debt had increased seven times to $7,188,982 and I am glad to report today that on the 1st of January, 1980, our public debt still stood at $7,858,045. On the 31st December, 1976, it would take 10% of the current revenue to service our public debt and 10% is the maximum to which a country should borrow. Today it takes 3% of the public revenue to service the public debt. This was forcefully put and I will only read one paragraph. In 1977, by the Honourable Third Official Member, when he declared the management liability on outstanding loans is now 10% of current ordinary revenue; an old principle which should be adopted by this Government as a guideline for borrowing, is that service and commitments on public debt should not exceed annually 10% of ordinary revenue. If it does then our services will suffer and Government may eventually find itself in difficult financial circumstances. The practice of our commitment in public debt is not uncommon today and the Cayman Islands need not be very cautious that it does not follow this trend. Money is fairly easy to find now and the temptation is great and we must tread cautiously.

So the Financial Secretary had to sound a warning that at the end of 1976 this Government had reached its borrowing power - it had reached an extent to which if it borrowed another dime at that time it would have been impossible to service the debt. We would have been in the same position that Michael Manley took America. Reduce the revenue - bring on controls and I am going to talk about these controls because much has been said in this Chamber about bringing back controls.

Government, to be end to end, was in hock up to its ears in 1976. Now what has this public debt cost us in the last three years? In 1979 we paid $1,018,890 in interest payments and principal repayments on our public debt. Last year we paid $1,161,478 and we called for by law already, or by agreement, we will have to pay in 1981 $1,163,659 just to cover our interest and loan repayments on our public debt - so that in the last three years $3,344,027 have gone in servicing public debt.

Those Members who followed my speech closely will know that the policy of Government in the last four years has been not to borrow unless it is absolutely needed and you have seen from the figures that while at the end of 1976 the public debt was over $7m - that today it is still under $8m. And you have also seen that that $7m, or the bulk of it, had been acquired during the administration of the Honourable Member who lectured us on how to run the Government.

I am coming near to the end of these large figures, but so that you may have a true picture of what will come later in my debate, I want the Members to take stock on how this debt, which is referred in the 1981 Estimates, had been acquired. 1975 to 1976 we borrowed $3,505,125 to build the Administration Building and some roads. The first payment, or the first payment on this loan, did not start until 1977 so that while the previous Government may have given us the Administration Building and the roads, the 1976 to 1980 Government is taking care of the payments. 1976 to 1976 the Piers loan was $2,680,000 and here again the first payment was made in July of 1977 and the last payment will be made in 1996.

HON G. HAIG BODDEN (CONTINUED): In 1975 $357,958 was borrowed for the Cayman Brac Airport and the loan repayment will not commence until the 1st of January, 1984 and will end in the year 2004. The Radio Station set up in 1975 at least the loan on it, a small amount $171,160, repayments will start in 1980 and end in the year 2000. Certain school buildings borrowed for in 1975 - $250,139, first repayment will be in 1984 and end in the year 2000 and the last one that I will mention, although there were many, numerous other borrowings, was the fencing of the Public Works compound - $75,100 borrowed in 1976 with the first repayment to be made on the 1st of April, 1985 and end in the year 2006. So people can talk about development who pipe because they had put in the infrastructure without adding that that infrastructure had been put in on borrowed funds which will have to be repaid with interest.

The Member from West Bay who went to great lengths in his debate made a statement and I did not write it down exactly, but the gist of it was that the economy had started to improve by 1976 from the recession - a statement with which I do not agree - a statement with which the Financial Secretary did not agree at four years ago when it was fresh in his memory and I would ask your indulgence to read three small paragraphs. These are the words of the Third official Member of Government talking about the year 1976 that had just ended. "The past two years have left us grappling with very tight budget and endeavouring to liquidate a deficit. For the first time in a decade an unemployment situation was recorded that does not look like the economy had started to recover.

Again I quote, "Construction activity in 1976 declined considerably. Statistics indicate that permits granted by the Central Planning Authority for 1976 amount to $6,323,900 compared to $15,875,000 in the previous year". You see 1975 was the year that the Development Plan was proposed to be introduced and there was no construction - there was no sign of any construction and the applications granted fell from 15 million to 6 million. The fall in the value of approved projects in 1976 over 1975 was in the areas of the residential, hotel, commercial, industrial and Government buildings.

And the final quotation to prove to this Honourable Member whom we welcome back with open arms to this House - to prove that the economy had not started to improve, to recover, it was stated in the last Budget Address that 1976 would end with a deficit of nearly half a million dollars. After the audit of the 1976 accounts, the actual shortfall was found to be $414,760. The beginning of 1977 was therefore unlike previous years which started with a surplus revenue balance and I say, Mr. President, in concluding this part of my speech which I hope to continue tomorrow, that the economy did not recover until it was found out that a new Government which knew not "Joseph" had been elected and would carry the Development Plan, which we did in 1977, and which brought back construction to this country.

ADJOURNMENT

MOVED BY HON. CHARLES E. FOSTER

QUESTION PUT: AGREED

HOUSE ADJOURNED AT 4:30 P.M.

UNTIL 10:00 A.M. TUESDAY, 24TH FEBRUARY, 1981

STATE OPENING AND FIRST MEETING OF THE (1961) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON TUESDAY, 24TH FEBRUARY, 1961

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CBE - PRESIDENT .

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS H RAPPER, MBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON DAVID R DARLISON, CMG | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LOCAL ADMINISTRATION |
| HON WILFRED G JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON TRUMAN M HODGES | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON ERIC G BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON JOHN B MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

| | |
|---|---|
| MR GARSTON G SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DALMAIN D EBANKS * | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR NORMAN W BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HULDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS |
| CAPT MARK H KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR CRADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

* Absent in the P.M.

ORDERS OF THE DAY

TUESDAY,

24th February, 1931

( SEVENTH DAY )

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND FINANCIAL STATEMENT.

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TUESDAY 24th FEBRUARY, 1981

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND FINANCIAL STATEMENT.

HON. G. HAIG BODDEN: Mr. President, in your Throne Speech you mentioned that the year 1980 had been a difficult year for the Department of Immigration and the Immigration Board.

In the Parliament, as usual, there is a small provision for the expenses of running these Boards. In the debate which has been going on since last week criticisms have been raised by Members. One of them has been that appointments to these Boards have been political; the first Elected Member for George Town said that he would like to see the appointment made on the ability of the person rather than on the political persuasion or, as he put it "rather than who the person the appointee had supported". I did not hear this criticism in the Chamber, but I have heard it on the outside that Cayman Brac is often not represented on certain Boards, and I crave the indulgence of the House this morning when I am feeling refreshed after the night's sleep, to deal at great length with our Boards.

I will not be dealing, Sir, with every Board but as all Boards are important, I will touch on a few and will deal, in particular, with the General Planning Authority and the Protection Board.

My contention is that the administration of which I am a part has never appointed anybody to any Board unless that person had the ability to serve this country on the Board.

When we came to office in 1979 there were people serving on Boards who, while they may have had great ability, certainly did have close association with Members of the Government.

All appointments made have strictly been on merit and I can assure the first Member from George Town that the people we have appointed have been people of unquestionable ability and impeccable integrity.

If one examines a recent Gazette published on the 22nd of January, one will see that the members of the Conservation Board include the Member responsible for that subject, who is the Chairman, John McLean; other very able and astute businessmen in this community and no one can say that any of these names, which I shall not, is lacking in ability; Dart Rankine, George Seymour, Mellie McLaughlin, Ashton Soto, William (Buddy) Wood, and this particular Board, which is made up of only ten members, including the Chairman, includes four members from Cayman Brac or three members from Cayman Brac and Little Cayman, in effect, there are only eight members, plus the Chairman and the Secretary and out of these eight members Mr. Joseph Bodden, Audley Scott and Frank Jackson, come from Little Cayman and Cayman Brac, so Cayman Brac, or the sister islands, are well represented on this Board, and all the members are members of proven ability.

The Education Council includes members of proven ability - the Honourable Truman Bodden is the Chairman, Mr. Tom Jefferson, J.P., a Member, Mrs. Isley Conolly, the Director of Education a member, Mr. Carston Galich, a member, Capt. Keith Wilmette, J.P. a Member, the District Commissioner from Cayman Brac a Member, James Ryan, Mr. James Arch, Mr. Carlos Jackson, Mr. Brian Rothwell, Miss Marjorie Ebanks, the Principal of the Triple C School, Mrs. Edna Carter and Mrs. Audrey Thompson, and it is an

HON.G.HAIG BODDEN (CONTINUING): drawn for any member, even to infer that we have not appointed people of ability.

As usual, Cayman Brac is represented: - Capt. Keith Tibbetts is a member, the Metrics Commissioner is a member, Mr.Captain Jackson, who was the former District Commissioner in Cayman Brac, but now lives in Grand Cayman is a member, so on this Board, which only has 11 members plus the chairman, we have 3 representatives from the Lesser Islands and the fact that a person may live in Grand Cayman does not make him any less a Cayman Bracker.

Over the last 5 years on this Executive Council Member, the man in charge of the Dental Administration, lived in Grand Cayman and the Member of Executive Council now responsible for the Lesser Islands lives in Grand Cayman, but Cayman Brac is well represented.

In addition, Cayman Brac has its own Education Board provided for under the Law and also the Members and Cayman Brackers, with the possible exception of a teacher who, I think, resides in Cayman Brac.

The Central Planning Authority is made up of 8 members, plus the chairman and the Executive Secretary provided under the Law. It has been mentioned in this Chamber that we removed Dr. Edlin Herren as Chairman of this Board. When we were elected in 1972 we found Dr Herren as the Chairman of the Board. We had received good reports of his Chairmanship, we were making substantial changes on the Board and we felt that it was necessary to have continuity and we retained Dr. Herren as the Chairman. The Law requires that we make appointments every year to this Board and for four years we re-appointed every year, Dr. Herren as the Chairman, because we believed and we knew that he had done and had continued to do a good job. That Board was one of the Boards for which I had direct responsibility and over the four years I had many discussions with Dr. Herren, I went to his office, he came to my office, we talked on the telephone and I must say that we were absolutely satisfied and we are happy with the work that he has done.

But the Law requires that appointments be made to these Boards, the Law does not give anybody perpetual succession on these Boards and in fairness to Dr. Herren, it would be unreasonable to ask him to continue for another year, after having served four successive years. It is my hope and my keen desire that Dr.Herren will again be asked to serve, not only on the Central Planning Authority but on other Boards in Government. He is a Caymanian of whom I am proud, he is a trained professional, he served this Government well and now in private practice he continues to serve this Island well. His removal was not because of lack of ability, his removal was not because of his political persuasion. I do not have the faintest idea where his political interests lie; I feel certain that if he lived in the constituency of Bodden Town he would support the two present Members. I have no doubt if his place of residence in November, 1980 had been Bodden Town that he would have supported the two Bodden Town members who are now in the House. A man of his integrity and a man of his astute political leanings, could not but support us and I am sure he would tell me that.

This House or Executive Council would be severely criticised if we allowed any one person to remain on any one Board for ever and ever. It would not be fair to the many noble citizens in the Cayman Islands who have a right and a keen desire to serve this Government in the capacity of members or as the Chairman for a Government statutory board, so I want to assure the Members that I have the greatest regard for Dr. Herren and that we did not remove him because he had suddenly taken on a different political posture. I do not think there has been any

HON. G. HAIG BODDEN (CONTINUING): change in his political stand. I believe that in 1980 Mr.Mirren supported the same candidates that he supported in 1976, that is presumably those same candidates were in the election,however,I have never discussed this with him and I have no means of knowing.

The new Chairman of the Board is Mr. Sanford Pierson, a J.P. and a man who had spent his entire working life in the Government services and now is the Financial Secretary at Cayman Airways. A new member on the board, Keith Watler, one of the few people in the Cayman Islands who has completed a two-year course at a College when he served in the Canadian Air Force, completed a course in Town Planning. It would be denying our public the right of a useful contribution of a man with his qualifications had not been appointed to serve on the Planning Board. Very few people know that, but the man is qualified to head that Department, if he so felt like working there.

Capt. Theo Bodden: what can one say about that man's ability? Mr. Delbert Jackson, the Chief Engineer at Caribbean Utilities ever since the inception of the Company, considered by his employers and by the Manufacturers of those giant Diesel engines as one of the most capable engineers that ever placed his hand to a wrench.

Mr.Clarence Pierson: If any man has worked to build Cayman from the block up; Capt. Keith Tibbetts, Mr. Donovan Ebanks, one of the few qualified engineers that Cayman has raised. Every person who has looked at the new work in bringing the Owen Roberts airport up to scratch has said that they cannot believe . What has been done by this young man, a qualified engineer of the highest order. The District Commissioner in Cayman Brac is a member of the Central Planning Authority; Mr. Nebar Bush, the only qualified builder, Caymanian building in the Islands; Mr.Ansel Conolly who is with Immigration, but is himself a carpenter of no mean order, and I challenge any member of this House or any member of the public to tell me one, just one of these members who does not have the ability to serve on the Planning Board, and to answer the other questions which, as I said, are not made in this debate. Cayman Brac is represented here by two members, and of course Cayman Brac locally has its own Development Control Board and that Board has on it, amongst the six members, not only the District Commissioner, but Capt.Mabry Kirkconnell, who is the Second Elected Member for Cayman Brac, and how can any Member dare say that appointments to these Boards were purely political and should be on ability? These are men of ability. There is not a single one on this Board that made a $10 that he is paid for the day that he spends there, and I think it is an insult to the members who give of their time and of their energy to serve this Government and we are accused of putting them there for political reasons when they have been put there because of their proven ability.

I would also like to touch on the appointments to the National Council of Social Services, which were made on the 16th day of January, 1981, and I challenge any Member of this House and I challenge any member of the public to tell me which of these members had been appointed because of his or her political leanings or which one of these members is lacking in ability? The members are, Mr.Thomas Jefferson, J.P., the Principal Secretary, Deputy Financial Secretary; Mrs.Olive Hilton, a woman who has spent her entire life in Social services, most of it for free, Mrs.Joyce Hylton, a woman who is more than a woman when it comes to social services, our Probation Officer who has done a

HON. C. RAIG BODDEN (CONTINUING): herculean task in these Islands; Miss Lucille Seymour, a specialist teacher for the Deaf and Dumb; Mrs. Vernavia Walker, not only an Executive Officer at the Post Office but a woman who has worked in social services and the Churches all her life and I say it is an insult for any Member of this House or any member of the public to cast aspersions upon either the appointees or the appointers of these Boards.

Some ugly remark was made about the Health Practitioners Board and here again this Board is made up of Mr. Thomas Jefferson, the Principal Secretary for Health, Dr. James Folson, who was once an employee of this Government and now heads his own clinic, Dr. Linda McTaggart, a Caymanian who has served this country well and I challenge any Member to name one of these appointees and tell me where is this person lacking in ability and tell me what caused Executive Council to believe that any of these people were their political supporters. And, finally, Mr. Chairman, I will deal with the Cayman Protection Board.

You mentioned in your speech, as I said earlier, that this Board has a difficult job and the work of this Board is not helped when the Members are criticised by Members of this Honourable because this Board has a difficult job it must have a strong man at the head.

If one looks at this Board one will see that this Board is comprised entirely of Caymanians. When we came in office, if I remember correctly, the Deputy Chairman of this Board was a non-Caymanian. Mr. Ormond Panton is the Chairman of this Board and whatever shortcomings he may have, he is a man of ability, he is a man of integrity. He is a man that cannot be bluffed as previous administrations of this Island found out to their own chagrin. Charles Walker, the Deputy Chairman was a replacement for the late Bill Kirk, who had been an appointee of this Government Nyngaton Ebanks, OBE, JP, Woodrow McLaughlin, Warberg Thompson, Edmond Welds, Rex Crighton, Gerald Smith, Maul Bodden and John Bostock, Seamstony. Can any Member honestly get up and say that one of these Members is lacking in ability? Can any Member honestly say that the only reasons for appointing any of these members was because that particular member is a political supporter of the Elected Members of Executive Council?

I do sincerely hope, Sir, that every member of every Board whose has been called to a supporter of this Government and I would say if that can be the feeling upon the part, these Members will discuss their appointments.

This Board was selected with care. If one examines the membership, one will see, Sir, that every electoral district is represented on the Caymanian Protection Board. From East End we have Mr. Woodrow McLaughlin, from West Bay Mr. Spurgeon Ebanks, from Bodden Town, Mr. Charles Walker, from North Side, Mr. Gerald Smith and from Cayman Brac, Mr. Maul Bodden The other Members are from George Town. Every district represented. Now comes the funny part - these three major Boards, Caymanian Protection Board, Central Planning Authority, Medical Establishment Board, and I could go on and on, all of these laws were passed before our time, before ours, all of these laws made provisions for annual appointments to the Boards. Many of these laws made provisions for specific appointments to the Boards: how can we be accused of any political shulduggery in the appointment when we select from amongst the best?

One Member called for Cayman Brac to have its own Protection Board to deal with immigration into the

HON. C. EARL BODDEN (CONTINUING): ...Sister Islands and I suppose if this were possible in the year ahead Little Cayman would also be calling for a separate Immigration Board. This cannot work, we can only have one channel through which immigrants can be processed; we can only have one processing machine.

You know what is happening, although Members may not realize it, the public may not realize it, but if we listened to some until we will be setting the stage for the separation of these Islands, we will be laying the groundwork for the evacuation from Grand Cayman of the other two Islands. This was the unconstitutional - am going to deal with this when I come to the constitutional matters), that was the same process that started and we had the little Island of Anguilla separating from Nevis and St. Kitts; we had the problems with Barbuda and even Tobago is now seeking to get away from Trinidad. It is fine to think that Cayman Brac can, as it were, control its own destiny, but can you imagine the problems that would be set up if we established in Cayman Brac a separate Evacuation Board and that Board were to give, say, Cayman Brac Martha to a person for Cayman Brac and then that person would have to get a visa to come to Grand Cayman - that cannot work. I cannot see this working at all.

I would say this that there could be a closer link, as far as immigration matters are concerned, between the Islands; but any immigration problems for Cayman Brac is an immigration problem for Grand Cayman and for Little Cayman, and I cannot see this division being of any use to these Islands and I personally will not only not support it but will definitely oppose it.

In your Throne Speech you mentioned the feelings of the Cayman Brac people with regards to not having, as they call it, an elected representative in Executive Council. It is good for somebody else to feel that pinch. For 300 years of British rule, Sister Isles never had a Member in Executive Council, North Side has never had a Member in Executive Council and the Members of this House, including the Third Elected Member from West Bay, who was in Executive Council when the Constitution was drafted in 1971 made certain that two districts, or least two districts would always do without Executive Council's elected representation, because they created a constitution with four elected members and six electoral districts, so it is a physical impossibility for each district to be represented, at every election, on Executive Council.

I am familiar with the problems of remoteness but we are not as remote from the Lesser Islands as we used to be. This is not the days of the sailing ships. Today is the day of the aircraft and proudly soon the Lesser Islands will have their jet service.

Today is the age of electronic communications - you can pick up your telephone and you can talk to the Brac instantly. You can send a telex which would be received right away; so if there is a problem in the Brac or in Little Cayman, what kind of problem is there that could not be solved if people will communicate, if people will communicate on the right channels rather than on the mere hums and on the airwaves.

You, Mr. Speaker, are given the power under the Constitution to delegate to members of Executive Council the responsibility for various portfolios of Government, and it is your exclusive prerogative to appoint a Member of Executive Council to deal with the matters pertaining to

HON. G. HALD DOLDEN (CONTINUING): district administration, which has always been a sensitive subject as far as Government is concerned.

Now, in your years under this new constitution have so far made two appointments - one in 1972/73 for the First Elected Member of Cayman Brac and now, Sir, in this year you have appointed the Chief Secretary as the First Official Member for Cayman Brac. The Constitution does not say that Cayman Brac, the affairs of Cayman Brac should be under the portfolio of an Elected Member; it does not say that tourism should be under an Elected Member - you could have given the portfolio for tourism to a Government Member and you would have carried out your responsibilities under the Constitution. The Constitution, does, as you well know, Sir, put some limitation on the delegation of responsibility to Elected Members. You cannot, Sir, delegate an Elected Members responsibility for the Civil Service, for the Police, for the Immigration, for External Affairs, and so on. You cannot do that, but you can delegate to a Government Member responsibility for any subject, and the Constitution is wide open for you as it reads in your discretion, because you are the only one that is sitting in that seat and that feels the pulse of the nation and knows where the responsibility should go. It cannot be written in a text book, it cannot be drafted in London, it has to be your discretion and you have exercised that discretion well and Cayman Brac has no cause for complaint as I shall show later with some detailed figures.

In November, 1980, if it were not for all our good qualities put together the two Bodden Town Members would have been defeated, because the opposition Members say that Bodden Town had gotten less than any other District, although they had half of the elected membership of Executive Council, and in a sense this statement was one of the few true statements which the opposition made. The two Bodden Town Members did not go into Executive Council to represent Bodden Town, the constitution makes no provision. The two elected Members of Bodden Town went into Executive Council for the welfare of the three Islands and I think we have carried out these responsibilities, although Bodden Town may have suffered in the process. No a Member does not go into Executive Council to get something for Cayman Brac or to get something for Little Cayman - he goes into Executive Council because the Constitution says that the 12 Members who are elected here must choose from among themselves and elect from among themselves four members to sit in Executive Council and they must carry out the duties of Executive Council, not to get re-elected at the next election, but for the welfare of the country.

There has been a call for a change in the Constitution, so as to guarantee elected membership for Cayman Brac - this would be a retrograde step. We would be going back from the Ceremony which we now enjoy to the days when the Governor or somebody else appointed the Members of Executive Council.

When the Constitution was written in 1972 the Constitution did away with Nominated Members or Appointed Members or guaranteed Members, and I think it was a good thing because that system had been abused by one of our Administrations. I believe it was Mr. Jack Rose.

In the Cayman Islands in the days gone by a party system has existed and Members ran on two platforms as they did in the last two elections and one party obtained a majority of votes amongst the elected membership and that Administration,

HON. G. HAIG BODDEN (CONTINUED): abuse of his powers appointed defeated candidates from the other party and Members that he knew were opposed to the party that had gotten the majority and so by his act of appointment of Executive Council Members he is using the pendulum against the people and the wishes of the people of the Cayman Islands and we cannot allow ever again guaranteed Members or appointed members to come back to the Legislative Assembly or Executive Council, other than the three Government Members who hold their positions because of their positions in the public service, and I will not tolerate a change of this nature which would bring back a system of favouritism.

The Unity Team, as it was called, campaigned on a platform on which we said there would be no constitutional change. During these four years I have not changed my stand and I trust that the other six Members that were elected from our team have not changed their positions either.

In 1976 our group of candidates campaigned on a platform on which they said there would be no constitutional change. We kept our word between 1976 and 1980 and at least the people in my constituency are looking forward to my keeping my word again.

The Second Elected Member of Executive Council in his debate on this particular point, brought out something that should stop anybody who has any thought of constitutional changes from attempting to make them at this time. He said that we may say or the people of Cayman Brac may say that they are not seeking constitutional changes, they only want an amendment to give a guaranteed seat. However, there are two sides to this story and he pointed out there is a possibility, in fact there is a very high probability that the United Kingdom may put - to use the phrase used by him "put the whole constitutional issue on the line" and they may say to us "If you are asking for this we would like to see that: We have been given the assurance by Her Majesty's Government that if we do not make constitutional change they will not force it upon us. But if we go to them on a matter of such great implication as a guaranteed seat or guaranteed representation we do not know what their reactions would be, and furthermore, the United Kingdom itself is bound by its own obligation to the United Nations. The United Kingdom as a founding member of the United Nations and in the Charter of the United Nations the United Kingdom, as well as other major powers, agreed that they would not hinder their colonies from becoming independent if the colonies so wish, and everytime the Committee of 24 meets, that Committee is putting pressure upon the United Kingdom and other ruling powers to set their colonies free, and we would be opening up a situation where we would become quite vulnerable and where considerable pressure could be put and I think it would be to our disadvantage. I could see the stability of this colony being affected.

I must say that the fears of Cayman Brac that they will be left out are unfounded. There is evidence to show that Cayman Brac will be neglected in the future. In fact they did not give themselves time because when they started this agitation was on the very night of the Budget. The publication that went to Mr. Deare was signed long before the budget had been made public so how could they have a fear that they would be neglected because they do not have elected representation, and of course Cayman Brac people know that as long as I remain in this Chamber they will always have a voice in their favour.

I will never forget, if I live to be 100 the 13th day of November, 1979. On that day my colleague and I from Bodden Town moved a motion in this House that Government set up a Committee to study the economic position of Cayman Brac because the economy was bad - we felt it had been neglected - which it had. That resolution was voted down by the Third Member from

HON. G. HAIG BODDEN (CONTINUING): West Bay sticking over there, with the politicians role of Executive Council and its extension mouth and no more was heard of it. This is true. In fact one of the strong opponents of the motion was Cayman Brac's own representation in Executive Council.

During the four years of our administration Cayman Brac received roughly 22% of the capital expenditure - that may not be a precise figure but it is very close to 22% and as I shall show from detailed figures a little later on. When your 1982 step will fare even better! And so my fears that they may bring to you in a petition about their being ungiven! because of lack of elected representation on Executive Council, these fears are unfounded and politically motivated, but before I go into the figures on the block vote received or about to be bestowed upon Cayman Brac in 1981 I would like to finalise my stand on the constitution.

It is a known fact that the two Bodden Town Members did not give these Islands the constitution which we now work under, but it arrived upon the scene at the most opportune time, at a time when the architects of that constitution were about to be thrown into political exile and we can only work with what we have found. This is our only responsibility.

The constitution has a very fine balance. I do not want to bore the House but they know as well as we know that a few people can actually control the House as it now stands. We saw to work between 1972 and 1976 because of collective responsibility, which is a part of our constitution. The Members of Executive Council, when they come into this Legislature are forced to vote as one unless they have gotten your prior approval not so to vote, and I would assume that if it is a matter which you consider to be of grave importance, you would have an obligation to deny the Member the right to abstain. And so during the 1976-1980 when the seven Members of Executive Council, together with one other vote, from the other side, carried every Government manoeuvre. There could not be a single amendment to any bill, even if they had to bring it back to the next sitting of the House and amend it as they so often did, they would not change one dot or title and this was done because the years 1972 and 1976 by the help of what my colleague called an "extension cord" of one vote.

Now, if this fine balance is to be changed and if instead of four elected Members we are to have a special Member for Cayman Brac with 10% of the population? What about George Town which half of the population? Will they not some one day saying "We, too, want guaranteed membership in Executive Council". And then what about West Bay with the large population? And with the strong desire of certain West Bay people to have a Member in Executive Council, in fact, I think that the Members, some of them presented at the last election had as a part of their platform "that we are both material and West Bay needs representation"? And then what about Bodden Town which was the first capital of the Island and which is today the political capital and with it two articulate representatives - would they sit by idly while other the West had guaranteed representation and Bodden Town had none? And then how many Members were you going to have in Executive Council - you could no longer have four, you would have to have six elected Members and then they would so strongly out-weigh the Government Members that you would have to add a few more and then this side of the House would be so big that you would have to add some more and I could see them going on and we would be back to the old days when our Assembly of Justices and Vestrymen consisted of 60-odd. A good thought to have guaranteed membership.

Please tell me who is going to provide for the selection of that guaranteed membership? Will the Governor himself, after a General Election, send up to Cayman

HON. G. HAIG BODDEN (ELECTED MEMBER) and appoint somebody?

This, Mr. President, is a matter I have thought about for a long time and the more I think about it the more complex the matter becomes. We cannot guarantee any electoral district that that district will have elected representation on Executive Council, unless we do away with the constitution we have and we bring in a new one, altogether different, altogether with a different structure.

Mr. President, if you will bear with me I will make a few references to the side of this budget which will go to the Lesser Islands.

MR. PRESIDENT: If the Honourable Member is prepared to take a break we might suspend before he proceeds with the next part of his address.

I suspend proceedings for fifteen minutes.

HOUSE RISES AT 10:45 A.M.

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed.

HON. G. HAIG BODDEN: Mr. President, my strong feeling is that if there is any concrete evidence that Cayman Brac or any other electoral district or even any particular group of people are being neglected Government must sit down and look at it. Government cannot ignore the plight of its people. On the other hand we know that there are certain people that complain and find fault and it is not possible to satisfy everybody.

I am safe in saying that the provisions in the 1981 Budget take care of Cayman Brac and even if Cayman Brac had an elected Member the provisions for Cayman Brac would probably have been no more. In fact, Sir, one Member who made the most valid criticism of the budget was the Elected Member from Cayman Brac when he said that we should have tried to keep this year's estimates more in line with the revised estimate for last year, and there is a strong possibility that had he been in on the initial stages of the preparation of the budget then we would have seen, not only for Cayman Brac, but for the rest of the Island, a greatly reduced budget. It is my contention to that while Cayman Brac or any other district can always use more money Cayman Brac has been taken care of in the 1981 estimates, and there was absolutely no reason for the sound that has been taken.

A look at the figures will show that Cayman Brac, this year, will receive about 10 - 20% of the capital expenditure, that is the expenditure for new projects. They have not been neglected in the other two areas of the estimates. The recurrent expenditure for Cayman Brac and Little Cayman in 1980 was, that is the approved recommendation for District Administration in 1980 was $797,906. This was at a time when Cayman Brac had an elected Member on Executive Council.

The estimates for 1981 for recurrent expenditure for District Administration is $1,077,050, a 35% increase above the 1980 approved estimates, so as I stated earlier, there is no cause for complaint, but as I also stated earlier they did not know what the figures would be. They complained before.

Under New Services they have not been neglected - New Services is the addition of staff to the public service and under New Services provision is made for 4 bodies to be added to the complement in the area at a cost of $84,161. So in the area of New Services there is an increase for the Sister Island.

SOB. G. WEST BOUND (NIGHTRIDING): Under Capital Expenditure Cayman Brac receives its fair share, totalling this year something in the vicinity of $6.3M. This, we must remember with a population of 70% total. To mention a few items - there is the port project, new pier at Cayman Brac, there are two separate items in the estimates, totalling $1,360,000

Under New Capital Expenditure for West End Channel, Stake Bay Ramp and Jetty in Little Cayman is a figure of $25,000, Fencing of Airport in Cayman Brac - $20,000; Fencing of ammunition $10,000 Construction of Radio, Cayman Brac $296,000; Furniture for Administration Building - $10,000. School playing field, Cayman Brac $5,000; Minor Works, Cayman Brac $65,000; Wiring of Public Buildings - $12,000; New Government Vehicles - $73,000 and there is provision for Airport road in the Brac, although I did not have separate figures on that. There is some money for the Administration Building - $350,000, and of course, there were two other major items which are shown to be paid for this year, coming out of our expenditure, which are ongoing projects from last year, but for certain reasons known to a re-vote as a carry-over and this, perhaps, would be criticised as not being new capital expenditure. Of course, I need not add my opinion is when money is spent, it is spent.

Airport Improvement, Cayman Brac $286,000 and also under Capital Expenditure there is one other large item which remain - and I do not believe, and in fact I am almost certain that all of this money is not, (and if I am wrong the Third Official Member can correct me in his speech) under Item 45 - I see Airport Improvement, Cayman Brac - $1,000,000, and the footnote to it reads "Funds provided for Runway extension and widening". We know that the runway extension has been done but the loan from CDB was intended to do 6,000 feet and Government decided to do an additional 1,000 feet, and to widen the strip to 150 feet, so that it could come up to international standards and some funds in either project, I would not say in every project, but in a lot of projects, are spent on an advance account which shows up the following year, so that at the end of 1980 you could be spending money that might show up if the project had been approved.

Runway lighting, Terminal Building and Apron Road diversion, Fencing and stand-by generator, Bringing in my opinion, although again I guess I could be subject to correction on the decimal point, 13.40% of the Capital Expenditure going to Cayman Brac. I am willing, in the future, to support Cayman Brac if there is evidence that this Government or any other Government is neglecting or has neglected them.

The Lady Member made a comment in her speech that we need more street-lighting. I agree with her 100%. It would be good if Government could light every nook and cranny in the Islands but the type of lighting is expensive. Members may know that in 1979 we spent $82,761 on street lighting. In 1980 we spent $82,600 on street lighting and the proposal for 1981 is $95,000 an increase of 79% over last year and it is my understanding from the Director of Public Works that the lighting of the West Bay road, which is not included in these figures, was pretty close to $30,000. The West Bay road is lit by 400 watt lamps and those lamps are costing Government about $300 each and of course there is the recurrent expenditure which has to be paid to Caribbean Utilities for the electricity and that alone is costing about $11 per lamp. The other lamps which are used in other areas of the Island are 175 watt lamps and these lamps cost Government $6 or $7 each per month to keep them lit.

HON. G. HAIG HOOKER (CONTINUING): The 70% increase in the vote for street lighting this year will cover increased costs in the supplies of the electricity and will pay increment superannitues and will also provide for additional lamps. The policy of Government is to light the most populous and the most dangerous areas when there are a lot of pedestrians using a road, it is essential that is as well lit and there are certain areas which require special attention, and the system that has been used is that every year Government will add some street lighting. We keep a record of requests made to Government for lights and when lights are ordered the Department takes a look at these requests, fitting what the Department considers the most essential need and this is an on-going programme.

Members mentioned the traffic situation and as I said earlier in a debate in this sitting on an amendment to the traffic law a meeting had been held with the police Department, the Engineer from Public Works and we discussed matters such as traffic flow, restriction which would be like traffic lights, one-way streets, car parking, roundabouts and we concluded that the time has come for Government to seek a consultant, possibly from the North American continent, to have a look at our traffic situation and make suggestions for improvements.

The Member from North Side particularly singled out Walker's Road. Walker's Road was built probably in the fifties and from its early construction the road was too narrow. According to an estimate from the Public Works Department, although they did not measure it this morning, the road is under 20 feet and may be as narrow as 12 to 15 feet in some parts. This road is of deep concern to the portfolio because this road serves the Layman High School with its resident population of over 1,000, it services the Catholic School, the Prep School and perhaps even brings some traffic into Triple C School, which is on another road, which means that it is also used with children going to and from school, it is shortened with vehicles, but most of all there is the occasional stupid driver who has been found on that road during the day doing speeds far in excess of the limits of the law.

It would appear at a first glance that it could be helped by putting in a side-walk, probably on one side of the road only, to save money. This will require the acquisition of some land - it may be necessary to pay some compensation and although a detailed study has not been done, a rough estimate from Public Works is a unit rate job by putting in drains where necessary, side-walks, and of course the land would run anything in the vicinity of $800,000. Nothing is provided in this year's estimate for this work.

People blame the road, people blame other drivers, people blame the faulty state of a vehicle, but it is my considered opinion that 99% of the accidents in the Cayman Islands are caused by one reason only and that is the driver behind the wheel.

A couple of weeks ago, I went out with the Member from North Side and the Director and Assistant Engineer from Public Works, and we looked at some road matters. We came to a bend in the Savage Town/Bodden Town road - on that particular bend five vehicles had been over-turned in less than five weeks. Nobody has cleared that bend more times than I have, or more times than the Member from North Side and we have never encountered any difficulties, and while five vehicles had found difficulty in five weeks, probably 10,000 vehicles or more had negotiated that corner safely.

What we need is a driver education programme and I would strongly support this - it would be good if private enterprise would set up a Driving School with qualified

HON. GAIL'S BOURNE (CONTINUING): instruction, proper training vehicles, but if private enterprise does not take this into hand it would not be unreasonable for Government, at some later date, to look into the establishment of such a school and I could see amendments to the traffic law to compel all new drivers to successfully complete a course in driving education before being granted a license and I would hope that the law could also be amended to force all offenders under the Traffic Law, where there was evidence of speed or carelessness, to sit an examination before they drive again,and I would see if a school was established that drivers would voluntarily to take this course which can improve or would improve every driver's ability to drive, and so while the Government spends money on road improvements, on traffic signs, Government alone cannot reduce accidents - accidents can only be reduced when drivers have a sense of responsibility that everybody has a right to use the road.

One criticism of Public Works is that they encounter delays on jobs, and this is true. Many a time the delays are not the fault of the Department. The Member from West Bay spoke about a road which I presume was the water course road where the Public Works had widened the road by putting back the fences but had not surfaced the road and that the road, in its present state, is more dangerous than before the widening took place.

If you talk about politics, this is a classic example. Between Public Works and the Survey Department they had to make six different trips to West Bay on six different occasions to get the consent of the Land owners to widen this road. I believe the widening started during the election campaign and one of the strong objections to this road was a political opponent well known to the Third Member from West Bay. I am glad to report that the road has been widened and Public Works will be getting on with the job now, many weeks later.

The road has been widened for some time but had it been widened on the first day, Public Works would have gone in and done the work, they had to put their equipment on another job and so when the fence had been moved they had to wait until the other job had been completed to bring the equipment back to West Bay. The equipment had been working recently on the mentioned road, which will service the prison and I have been re-assured by the Director of Public Works that the equipment will return to West Bay and fix the political road.

The same thing happened, but to a lesser degree in West Bay at the Crab Hole Road. This road has been widened and is ready for re-surfacing, I do not know of any political intervention which will make the process of the construction of this road any slower.

The Member from West Bay, the Third Member, criticised Government action in 1990 in fixing certain sub-division roads, yet wondered if they would fix his sub-division road. Now can the Member criticise Government for fixing its own roads, he knows that under the Land Adjudication Law many of the owners of sub-divisions failed to claim their own roads and under that law, whether by default or not, the road-way went to Government, and so what had formerly been private developer's sub-division roads came into Government's possession and are now public roads. Of course,Members are familiar with the Roads Law and Government can make any road a public road at any time.

If one looked at the estimates one will not question Government's interest in the continuation of the roads programme. In the 1990 estimates there is a sum of $1,524,500 for construction of roads, When I say construction, this includes new construction as well as maintenance. There is a separate sum, as I mentioned earlier of $200,000 for roads in Cayman Brac and there is also provision for loans to be given by Caribbean Development Bank

HON. D. WAIT WORDEN (CONTINUED) for road work. The North Sound Road has been a matter of major concern to Government and I am happy to report that they are taking a look at it and it is expected that the new route will be built leading from the North Sound Road so that there will be three points of entry from the main road, rather than the one point of entry there is now at the corner of Mr.Flowers block factory. It is hoped to put a finger that will stretch from the airport road to the North Soundwhich a map I am not able to give the precise location but this will take traffic from the North Sound onto going to Hutlen Town and the Northern districts of the existing road. It is also expected to put another road overlooking from the vicinity of the Blue Marlin Club on Eastern Avenue into North Sound, so that the traffic going in the northern direction can use that access. This will greatly relieve the congestion but it will not even all the time.

There is an S turn which would be taken out, it is not proposed to do this work in 1981. We hope to improve the entrance which, especially for large vehicles is not very difficult to negotiate.

The Third Member from West Bay mentioned his hope that Government would build another route in West Bay but he been keeping in touch with me he would have found out that I had visited West Bay with one other member and the Minister of Public Works and the Road Engineer and had taken a look at these new proposals. However, I will give no guarantee that they will be built in 1981 but Government is aware of the need of opening up these new areas - they start the process by designing the road, after it has been finished to put in the road, then the surveyors are free to go in and line it up and so on. We do have one difficulty, in that at the present time the road mix machine is undergoing a major over-haul. This is the first time that this large machine has had a full over-haul and the mechanic who is doing the work has given Public Works a time estimate of about six weeks. I suspect it could be longer, because in that type of repair work time you do not know what you are getting into until after you start the job, so this could prevent some road work from being completed as scheduled.

Members will know that negotiation had been going on with Caribbean Development Bank to finance certain roads. These had started before my time in office: one of them roads embodied on the subject of a loan from the bank, was the road into the High Rock Quarry. However, since High Rock approved wanted their operation, and if time permits I will be going into that for another reason later on, they agreed with Government to build the road and ask the Government to set off the cost of building the road against the import duty on their equipment, and so this particular road is no longer the subject of a loan from the bank, instead, we are now asking the bank to finance a new road which we would like to see put in from Tortuga Club to North Side along the sea-coast. This would open up a virgin area for development and would be an asset to Cayman.

There are many other road works scheduled but as I hope to conclude my speech sometime this morning I do not want to continue on this subject any longer.

The Member for Agriculture has asked me to mention the feeder roads, the agriculture feeder roads. These roads are a part of the development scheme from the bank and one of these roads is earmarked for the East End area, one is to be developed in North Side. Unit road already exists but it will be up-graded and extended and we also hope to link the road from the cemetery in Hutlen Town to the prison road in Northward.

In the speeches delivered , an announcement was made that Government will be putting out, this year, two new

HON.C.HALL BORDEN (CONTINUING) currency notes. The new notes will save Government money on the printing of the smaller notes. The smaller the note the quicker it wears out, the sooner you have to replace it. Also we have an economy which, whether we like it or not have been dreamt a money economy in which large sums of money are transferred each day. The take-home pay of some workers, particularly skilled workers, is now quite substantial and it is necessary for transactions involving large sums of money that large currency notes be used.

There have been some objections to the $40 note, one objection was that one side of it will carry a picture from a previous pirate's week landing. This objection was answered ingeniously by the Second Elected Member from Executive Council, because the objection is really not to the picture on the obverse side of the note, the objection is to pirate's week. The Elected Member from West Bay in replying to the Third Member from West Bay said that our observance of pirate's week is really not an act of piracy, we are not trying to bring back the days of pirates, but he went on to say that I think he was quite correct, that Government's action in trying to introduce the 1976 Development Plan which would have made land useless in the Cayman Islands was more an act of piracy than the printing of the $40 bill. Very few people can tell you what is on the reverse side of a note.

The U.S.notes that have been around a long time, a lot of Americans will know whose picture, which President's picture appears on such note. They cannot tell you so readily what is on the other side of that note, and I dare-say today if you were to ask Members of this House to tell you precisely what is on the reverse side of the four notes in circulation, they could not do so without looking at the notes. Nobody using a note is looking at it to see whether it is pirate's week or whether it is the Development Plan. They are looking to see the denomination of the notes.

The other objection to the $40 bill is that you cannot make change with it, but the $40 is not as queer as the £5 which we now use. One Member said that if you had to change a $100 bill you would have to use two $40 bills and 2 ten dollar bills or four notes to make the change. What he did not say is that if you were going to use the $25 bills you would also need four notes to make the change, and then the same Member correctly went on to say that if you want to change the $10 you would have to get a $25 bill and a $10 bill and a £5 or those notes in order to make change for the $40 bill, but he did not go on to tell you that if you want to change our existing $25 you will also need three notes, you will have to get two $10 and one $5. So in relationship to notes the six notes which will be in circulation when these new notes are printed you will find that the $40 bill will be at no less disadvantage than the $25 bill because using the $40 to change the next highest note, you will need four notes, and using your $25 bill you will need four notes, and so on. We felt, and I am not ashamed of the feeling, that the $40 is the local equivalent of a US $50 bill and if this $40 bill was introduced during Pirate's week at the time when many tourists would be visiting this note could well be accepted by visitors, they would take the note home as a souvenir and I can assure you it would not be as expensive a souvenir as if they went to one of the duty-free stores and this, Sir, could mean that the $40 note, limiting the imprint of Pirate's week would well be a money-earner for the Currency Board.

The front of the bills will be the same as the notes in circulation, carrying the head of Her Majesty the Queen and I have heard no criticism of the $100. The $100 bill bears a picture on normal view of our capital city, George Town. I personally feel it should bear an aerial view of the historic capital of the Cayman Islands.

MR. SPEAKER: If the Honourable Member is moving on to a new part of his address, we might suspend at this time. I will suspend proceedings until 2.30 this afternoon.

HOUSE SUSPENDED AT 12.26

HOUSE RESUMED AT 2.30 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

HON. R. HAIG MORGAN: Mr. President, I said at the start of my speech that the First Member for Hagman have just made a valid criticism when he said that the 1961 expenditure an attempt should have been made to keep that expenditure in line with the 1960 expenditure.

But this becomes wishful thinking in the light of the type of expansion we have seen in the economy. Government has an obligation to try to keep up with the services which are demanded by an expanding economy. Government has an obligation to try to provide the infrastructure which will be needed. You while the Member says that we should keep it to the level that it is, he advocates more capital expenditure. He talks about the provision of a crane on the dock where a second-hand crane would cost $300,000 and a new one would cost $750,000. At the same time a good crane service can be provided at absolutely no cost to Government. But the Member from Cayman Brac is not the only person that has been guilty of this. Perhaps every politician, on Budget time, says cut the budget, but the Member whether he is from Hagman River or Bodden Town will want to get as much as he can get for his district and whatever other services might be necessary.

If we looked at the 1961 estimates you will see that provisions are made for services which had not existed before 1960. A very large expenditure will be that of the prison service. For years we have paid the Jamaican Government for looking after our prisoners. To provide for our own locality will be more costly, but because of the conditions which exist, because of over-crowding in the Jamaican jails, and for other reasons on humanitarian grounds alone, the expense of providing prison facilities is well worth the cost.

You have mentioned the school for the handicapped. A new school has been erected, well be properly equipped, staffed and many a service which had not really existed before, with the exception of the staff at the Lighthouse School. I could go on to talk about provision to be made for the home for the aged, so it is easy to keep your expenditure down, if you will shut your eyes to these much needed services.

A prudent Government, like a prudent businessman who will purchase the requirements or the necessities for his business at a time when he has the money and I hardly need to say that there has never been a year in the history of these Islands when there has been such a plentiful supply of money to provide these services.

Retroactive to the 1st of January, the Civil Service will be given a 10% increase in pay. This will mean the increase $2M. Salaries to Civil Servants is now eating $11M of the estimates, but our Civil Servants should be well paid, must

HON. G.HALL HOLDING (CONTINUED): be well paid so that we can attract and keep the quality of workers which the public is deserving.

Cayman has reached a stage of very high sophistication and not only people from abroad but Caymanians themselves want for themselves and for their children to come much better services than they had in the past and this is a healthy sign, it is a proud day when your people are ambitious and want the very best in services and I think our people deserve these services.

What a contrast to the years 1972-1976 when it was agreed by all concerned that the Civil Service should have its ten per cent increase in salaries and there was no money to pay it. And our gracious Civil Service at that time decided that they would forego the increase which the Solomon-Haller Report had indicated they were entitled to.

During our administration the Civil Service has had some raises, salaries in some areas are very high, particularly in the Police Force and one or two other Departments, but they are no higher than they should be if we are going to attract into the service educated young men and women, and I feel there is no better expenditure than the expenditure prudently made on deserving people.

I am a people's man - I believe that mortar and stone and paved roads do not make a country. What really makes a country rich is the people, and they have to be satisfied at all times - they have to be taken care of - they have to be provided with salaries.

Of course this 10% in the 1981 estimates is upon the recommendation of the Hall report which indicated that for every 5% rise or for the first 5% increase in the cost of living index the Civil Service should receive in good years, when the budget can afford it a 4% and for each subsequent 2% they should receive a 3% increase. So that where the increase in the cost of living was by 15% under the Hall Report the Civil Service would be increased, basic salaries, by 10%; and this 10% is a lot of money now because the salaries are at a comfortable level. Members will recall that in 1980 the Civil Service was given an increase at the beginning of the year, I do not remember whether it was 10% or 12% at that time, but we brought in a Salaries Commission who recommended that in addition to the increases given on the first of January 1980 the Civil Service should have a further increase and this lagging behind in Civil Servants' salary had been caused by Government's inability to let the salaries keep pace with the private sector during the dull years of 1972 to 1976.

We can keep our expenditure for 1981 on last year's level if, in addition to the items mentioned before we were to cut out some of the new programmes. There is a figure of $2M for the construction of new roads; we could do without the new roads, but what do we say with regard to the roads which are needed for further development if Government has the ability to pay for them?

There is an item which could be cut from the budget if it were necessary. I see in the Estimates a figure of $400,000 for the construction of houses for the employees of Government. This will save rental of houses and is a good investment for Government, but when administration is mindful of the fact that our spending in 1981 could be reduced. It can easily be reviewed if we do not put in essential services.

The sum for Mosquito Research included a figure to buy a new aircraft to replace the aircraft which crashed last year. We could do without purchasing this new aircraft; we could do without the whole Mosquito Research Control Unit if we had to; we did without it in the twenties and thirties and forties. But does

HON. D. HAIG MANDER (CONTINUING): anybody want to go back to Dairy Bo. We want, and our people deserve an increasingly improving standard of living.

Mosquito Research alone will receive $210,000 for heavy equipment, probably to purchase a new amphibian, or aircraft. Public Health alone will receive $140,000 for the purchase of new equipment, but what is wrong with purchasing new equipment when the public is demanding better garbage pick up and other essential services, as we know the budget can be cut.

This year's budget contains an item which never appeared in the budget before, because we had never been able to even think about it before. There is a sum of $300,000 to allow the construction of a sports and cultural centre and to buy equipment for it. I certainly badly needed in George Town but what better way to spend the money but for the improvement of our youth and the enjoyment of the Caymanian people and our visitors?

In the 1981 Estimates there is a sum of $486,000 to complete phase II of the prison plan I already completed, or almost completed, some of it from aid funds, some of it from local revenue. If we had to we need not complete phase II. We could have the open-ground institution in the prison here that now exists in Jamaica, but this is most prudent, financial house-keeping to provide the services which are much needed.

In the Estimates this year we could also cut out a large expenditure. The sum of $468 160 is provided for new equipment for the Fire Service to provide a Domestic Fire Service for the Cayman Islands, something that was talked of five years ago. There has always been the service at the airport but to have a district service, a dependable service which can be put into use if there is a need, as we can cut the budget if this is what people want and we look at the money in the bank but that cannot take the place of services.

Phase III of the Middle School to be completed this year. The Middle School has been built in three sections, one phase went into it in 1978, one in 1980 and the final take in will be in 1981, but we could cut that out of the budget if this is what Members want.

$1M is contained in the 1981 Estimates for a new airport terminal; this money will not complete the terminal but it will make a start, perhaps construction may not even start this year, but it is a possibility that is needed.

For the first time $100,000 has been ear-marked for farm development. $100,000 has been ear-marked for the procurement of a museum.

As I said earlier, the Member from Cayman Brac made in a sense a valid criticism when he said we could keep our expenditure more in line with 1980's expenditure, and perhaps we could reduce it if he would get up and say I agree that we should not continue with the airport facilities in Cayman Brac, we should not continue with the Dock improvements in the area, we should not continue with the Administration building. But no Member in his right mind would make such a statement. What we need to stress is our blessings, that although many new services are proposed this government, through the policies that it has instituted over the years, particularly in the more recent years, finds itself with the ability to pay for the services.

The Third Member from West Bay, in his contribution to these debates, said that he had received many statistics, and I said in the beginning that I had received the shock of my life during this debate, and that shock came when I

HON. C. RAIG BODDEN (CONTINUING): heard the Third Member from West Bay say, and to quote his own words " Communism is not a virus it is an ideology that has to be accepted". Not even Karl Marx now himself, in the days of their infancy, would have made such a statement. Communism is not an ideology that has to be accepted, it is an ideology that has to be rejected by all free-thinking people.

This statement was made when he said that he felt we could bring some people from Cuba to help with the work-force here and I say no. I am sympathy with any relatives of Caymanians that may be in Cuba but I want it understood that I will not open the doors of immigration for a wholesale influx of people who have since then become under communist indoctrination. There is a big difference between those people who were repatriated from Cuba at the time of the Castro take-over and the person you would bring out of Cuba today. If you are going to bring young people who were born there, who went to school there, who were brain-washed with communism, I see no hope for the future of this country.

The Caymanian people listened to a story told by Michael Manley that he was not bringing in communism, he was going to bring in democratic socialism and they found out too late that communism was a virus, an infiltration and contagious virus that spreads with epidemic proportions.

When I heard words like "it is an ideology that has to be accepted" I thought I was listening to a re-incarnation of Michael Manley's....

MR. H. O. RANSON, Mr. Speaker, on a point of order, I am being misquoted, Sir.

HON. C. RAIG BODDEN: Mr. Speaker, if the Member will tell us precisely what he said, because I wrote it down at the time, I will deal with....

MR. B. C. EBANKS: According to my notes, I said " I know this proposal does not find favour with at least some Members of Ex Co because they are of the opinion that communism is some type of virus that would be brought in a suit-case, rather than an alternative to an ideology".

HON. C. RAIG BODDEN: Mr. Speaker, the words seem to be a little different from what I heard, the thoughts in my mind remain the same, and I trust that in due course the Hansards of this Honourable House will record the exact words. But we should not play semantics we should shun anything that even smells of communism.

The Second Elected Member from Executive Council gave Sir Winston Churchill's opinion of communism and from another writer, though not as fluent as the articulate message from Sir Winston, he had this to say - "communism possesses a language which every people can understand - the elements are, hunger, envy and death".

You cannot build, and I maintain this, that somebody who has been born in a communist country, educated from his youth up and practically nourished in his system, all the elements of communism, could do our work-force no good, and it is my firm opinion, as I stated earlier, that the people we brought here from Cuba, or the previous administration brought from Cuba, 26 years or so ago, were a different people from the people that would come out of Cuba today.

HON. G. HAIG BODDEN (CAYMAN BRAC): Mr. President, the Third Member from West Bay severely criticised the Member for the education system and of course that would carry in my mind a criticism of the Member responsible. Our system does not seem to be so bad. I know a gentleman from West Bay whose name I shall not call his daughters, one of them passed 6 O level subjects one year, and the other passed another 6 O level subjects the next year, at that same High School they talk about. The system is not all that bad.

The Member from Executive Council responsible for the portfolio dealt admirably with the criticisms but I would like to refresh the memories of the Members of this House on an incident which has a bearing on education and to say that if the elected Member responsible for education had not been abused the history syllabus at the High School would be altogether different from what it is today.

After the change of Government in 1970 the Member responsible took notice that the Cayman Islands Government no longer wanted to be a part of the Caribbean Examination Council, and as a part of the written policies under which our present educational system operates I would like to quote just one paragraph from those education policies - paragraph 18 - "Caribbean Examination Council, CXC or CXC. An agreement was signed by the then Member for Education, the then honourable Benson Enoch Banks on the 21st day of April, 1972. It contained a clause that ultimately the Cayman Islands could only withdraw from the agreement by giving two years' notice. I gave notice (that is Mr. Truman) "of termination on the 8th of August, 1977 and in another 12 months will expire, but shortly after taking office the implementation of it was terminated. I have not, nor do I intend to bring in this CXC examinations because they are obviously detrimental to the Cayman Islands. For example, a part of the Caribbean History proposed syllabus provides - students will demonstrate a knowledge of the basic facts and concepts relating to Caribbean History. The concepts may be categorised as -(i) organizational - example; trade, revolution, economy culture, slavery, government

(ii) procedural , - example - chronology

(iii) definitional - example - Black-power

(iv) interpretative - example - colonialism, imperialism plantocracy and mercantilism

The same obviously stress matters such as communism, black-power and revolution, undoubtly the Cuban revolution as a way of life and these ingredients were the factors which have seriously affected the social and economic structure of our islands and could prove destructive to the Cayman Islands. Further, there is enough confusion now with the GCE and the CSE examinations rather than adding a third impediment to the confusion, during the period when the CXC was to have fully replaced the GCE and CSE exams.".

And I feel that we have a much improved educational system under the new educational written policies.

The Third Member from West Bay found fault with the vote of $100,000 provided in this year's Estimates for the care of medical patients over-seas. In a sense, this is a large vote and while I did not write down what he may have said on it I believe that what he was saying was why is it that Government has to spend so much money on medical services overseas.

Our hospital is not perfect, but I believe some of the staff do an excellent job and there is a medical service which we need, in fact the Third Member himself, I understand had a very successful major operation not too long ago at that hospital.

HON. G. HAIG BODDEN (COMMERCE): And so the services provided there cannot be all bad. There is room for improvement but the write of $100,000 for medical cases overseas will be spent for examinations that need to go abroad. The policy of the Government has been that everybody should be treated in the hospital here and a person could only be sent abroad by Government if the Government Medical Officer felt it was necessary, and the Government Medical Officer many times have recommend that people seek medical assistance overseas.

There is no hospital in the world, not even the largest ones in Canada, the United States and the United Kingdom that can take care of every type of disease known to man - there is no single hospital that has the specialist care needed for every conceivable malady that may afflict the human race, and so our hospital, even if it were expanded 10 times, and even if we brought in 100 more specialists, there would still be cases that we could not treat, and this figure of $100,000 by today's standards will not seem too many cases when they are created in the United States.

During the lunch break I had an opportunity to speak with Dr. Williams, the Director of Medical Services, and he told me that he had just received a bill on a patient that had gone abroad and that bill was $17,000, and you cannot treat too many cases on a year if they are going to cost that amount of money.

Also another reason for services abroad is because there has been considerable improvement in the diagnostic skills of the doctors. Today, because of improvements in modern medicine doctors are able to find out what is wrong with a patient at an early stage and send them away where he can receive proper treatment and this is all for the good of humanity.

The Third Member from West Bay criticised our approach to the establishment of the prison service, and he said perhaps not the previous years - that we could have sent officers away to be trained to take over the prison, in fact this was one of the areas that he felt needed forward planning. It is easy for him today when he comes into this Chamber and finds a well resourced provided by an administration which sprung up in the days of his political exile and talk about sending people off for training. Sure we can send them now, but could we send them when we took over in 1992 when we were fighting a deficit? Could we send them when we were fighting policies which had inhibited the production of revenue? Could we send them when there was no hope for tomorrow?

The prison service is the only department of Government that has ever been set up upon the right foundation as regards to training of local people. 14 officers have been brought in from the United Kingdom, each officer holds a two-year contract and you understand, Mr. President, in your Throne Speech that at the end of the next years these fourteen officers would be sent back home and the service would then be run by Caymanians. Because of forward planning the prison service has been established on such a footing that in the future two years down the line, there should be an easy Caymanianisation of the programme. Perhaps this will not work as planned, no one knows the future, but if the plans which have been well laid come to maturity the prison service will be properly established with people trained under the guidance of experienced prison officers - trained with money provided from forward planning.

The Member from West Bay continued the Cayman Protestation Board because the Board, in following directives which a forward planning Government has made up, is trying to get the banks and other companies doing business here, to realise that it would be good to train a few local people for the services, everybody would benefit, the banks, trust companies, other companies operating, would find it much cheaper to employ local staff properly trained. But some how or other, and perhaps when we run the banners

HON.G.HAIG BODDEN (CONTINUING): of this meeting we will find out exactly what he means when he said that they were insisting on this when Caymanians suitable for training for banking do not exist.

In the Throne Speech you mentioned, Mr. President that such people do exist, you mentioned 77 Grade I CSE passes at the school last year, you mentioned 224 O level passes and you mentioned 40 students with A level passes and somewhere amongst that myriad number of passes Caymanians do exist suitable for training if they are trained or afforded the opportunity to be trained. Now I feel that no Caymanian should be put in a job for which he is not qualified, whether he be trained or not but if the person is found who has taken the training provided and is suitable for the job, he should be given an opportunity to show that he can do the job.

Further to this, Sir, you mentioned or the Member did that at the present time 64 students are abroad on scholarship most of them in the teaching profession, but some of them doing medicine, Law, business administration and we have gone a long way in getting qualified people. We have not many, but we do have people with good qualifications suitable for jobs and my only prayer is that these people will not only use their skills but that many more will follow their example.

All through my life I have always had to take the back seat because of the lack of education which I could not pay for and which the Government at that time could not afford to help me, but things have changed, but the most difficult thing to change is the attitude of people, the negative attitude that Caymanians cannot do this and they cannot do that. Some of them cannot, they are too lazy, some of them cannot because they are not given the opportunity, but the majority of them, and I am proud to be a Caymanian, the majority of them can do many jobs well if given that opportunity.

The Member from West Bay went to great length to compare the cost of bringing one tourist here to the cost of bringing a tourist here in the good old halcyon days do the Member for tourism is better qualified to deal with this criticism I will leave it up to him, but I would just like to ask the Member who made the criticism, did he not accept the mind to which no matter what you are doing, whether you are bringing a tourist here or you are just buying a local bread, in the year 1981 it is going to cost more than it did a few years ago.

The Third Member objects on being misquoted. I cannot object to it but there is one quote that that Member persistently uses and which he repeated in this Chamber, a quote supposed to have been made by me. A quote which was misquoted from the first utterance by a political writer whose name I shall not mention, and he said that I had told the Governor at the time of the march that they wanted to preserve the land for our children and grand-children and our great-children had not told us so, or something like that. I had been a part of the march against the development plan and if any communist plan like that proposed 1975 Development Plan come to this country again, I will march again.

If that Member had followed my speech that day, and I do not fault him for not following it because he was a bit jittery, but had he followed my speech that day he would have known that the full text of my speech had been that our grand-children would not want this country if that plan had been instituted. And I make no apologies for having made it and in fact right now I can look back in retrospect and thank God for the good of this country that I had been a part of that march.

The question of the quarry at High Rock was raised in the Budget Debate. I am not trying to duck any issues but the High Rock Aggregate agreement was entered into by Government during 1980. At the time Government entered into the agreement Government felt it was necessary to have another quarry. A

HON.C.HAIG BODDEN (CONTINUING): quarry had been in operation and had been producing aggregate but like every other service the operators had found it difficult to keep up with demand, so Government gave a license to a company known as High Rock aggregate to quarry rock at High Rock, the rock to be used for the construction industry. At the time of this agreement developers were bringing in from Jamaica sand and rock. The cost of bringing in this sand and rock from Jamaica was something between thirty and forty dollars per imported yard as against the thirteen to fifteen dollars that had been the local price at about the same time. So when Government gave High Rock aggregate permission to establish a quarry I feel that permission was granted in the best interest of Government and I know my elected Member from Cayman Brac will also agree, as he was the Member responsible, that Government acted in the best interest in order to reduce the cost of quarried rock to keep down construction costs. Government itself had been finding it difficult to get all the aggregate they wanted when they needed it.

The operator of the other quarry at that time, in discussions which I did not attend, but in discussions which were held with the then Member for Public Works and the Director of Public Works, was aware of the situation; he needed a large injection of capital to bring in machinery to expand his business and he just did not have that kind of money. But Government is still one of Mr. Hubert Padden's big customers; Government is still purchasing aggregate from Mr. Padden and if Members care I can let them know the money paid to him during the year 1961 but I do not see any reason for making it public at this time, but it was a substantial sum of money so that Government has not put the old operator out of business.

I will give Members the assurance that as long as I have anything to do with it we will see that Government purchases aggregate from the old operation.

Government did agree with High Rock Aggregate that they would purchase, at a stipulated price, for a stipulated time, aggregate.

There is another matter about this agreement which I touched upon lightly in the beginning of my speech in dealing with the road programme, but I want to go into a little more detail now because this matter was the centre of the opposition's political campaign in Bodden Town during November, 1960.

High Rock Aggregate brought in two million dollars' worth of equipment. The story told from the campaign platform in Bodden Town was that Government had allowed High Rock Aggregate to bring in that equipment duty free. This was mentioned three times in Bodden Town and once in Savannah and it is, as I told them during the campaign, an abominable lie.....

MR.PRESIDENT: I am sorry but that word is unparliamentary.

HON.C.HAIG BODDEN: Yes, it is an abominable misstatement of the truth, Mr.President. The fact is High Rock Aggregate brought in the equipment and according to their agreement Government hereby consents to the deferred payment of import duty on mutually agreed items. What happened was that the quarry was to be situated in-land on a road that had been put in primarily for the subsistent survey and that road was inadequate for the heavy equipment that would be used in the trade. The developers came to Government and said "We will bring this road up to a high standard, a standard that satisfies the Public Works Department if you will let us off-set the cost of the road against the duties on the machinery and afterwards we will pay the balance of the import duty within two years if the

HON. G. HAIG BODDEN (CAYMAN BRAC): import duty exceeds the cost of building the road. So Government was able to let these people build a road which had already been declared as a public road, a road which Government was about to ask Caribbean Development Bank to finance and I believe as did the other elected Member who was in charge of the portfolio at that time believed that Government had a good bargain, so High Rock Aggregate did not receive any relief of duty.

I understand that since this agreement has been signed that High Rock Aggregate has entered into other businesses which are not covered by this agreement, if that is the case we have nothing to do with that. We have given them an agreement to do certain things and as long as they keep within the limits of this agreement they have fulfilled this contract and if anybody is dissatisfied that this company is entering (I do not know whether it is true or not) into other phases of activity they should enquire from the Protection Board if these people have been granted a special license or an amended license to do what they are doing.

One of the Members from the Brac did have a valid criticism when he said that no elected Member from Executive Council has visited Cayman Brac since the last election. I take that as an invitation for me to visit and I trust that I shall visit as I did over the last four years the Island of Cayman have and as I have done over the last fifteen years, in fact. But while we may not have visited, an Executive Council Member who is responsible for Cayman Brac has visited and knowing him as I do he will not hesitate to consult with other members with matters pertaining to their portfolios.

I know that the Cayman Brac people have a special love for the two Bodden Town Members because they know over the years we have been champions of their rights and I trust that such a relationship shall continue.

The Members have shown concern for the water and sewerage services which are needed. We are now awaiting a report on a study which has been done on water supplies and I trust that during 1961 proposals will come to this House on it. Government has since November signed for a study to be done on the sewerage problem. This particular service or study we hope will be financed by an arm of the Canadian Government at absolutely no cost to Government.

One of the Members from Cayman Brac and Little Cayman said that he is happy for the start made with the port facilities and hopes that it will continue. I may say this is pretty well advanced, tenders have been invited and they should be coming to the Tenders Committee no later than the third of March next month. After that there will be discussions with the consulting engineer and Public Works, then a report will have to be made to the Bank and initial negotiations have already been taken up with Caribbean Development Bank for the financing of this project.

What is hoped will be done is that Cayman Brac will have a facility which can accommodate two or three ships at a time when the weather permits: these will be ships more or less of the size that are coming to Cayman. It is hoped that the waterway or the water in the harbour will be dredged to twenty feet or will take vessels of that draught I should say.

Provision is being made to take care of the modern type vessels, that is, those ships which carry containers those ships which use the roll-on roll-off system and naturally the dock will also be able to accommodate conventional ships.

We know that the present docking facilities in the area are inadequate and Government is willing to give this particular matter priority.

HON.O.HAIG BODDEN (CONTINUING): Mr.President, I would like to touch on a matter that has been raised which could affect the economy of these Islands. It has been announced that New York will be opening its doors and it could well be a threat to our banking business. It is no secret that New York is one of the financial centres of the world, the New York Stock Exchange is one of the foremost security markets and it is also the seat of the Federal Reserve Bank. However, I believe that this threat, while bad at first glance is not as severe a threat as it could be, because New York as a state has a history of over-regulations. New Yorkers believe in regulating everything. At the present time, under New York law no foreign insurance company is able to do business in New York and I am sure the banking world being hesitant to set up offices in New York, and even if they do it will not last for long because they are bound to start their systems of control.

Now if this were some other state I would be truly concerned but the concern comes that once New York starts it and it becomes a profitable business then other states will follow. New York is after the Euro dollars which, as I understand the term to mean, are US. Dollars floating around outside the United States, but to set up this type of operation and expect American investors to go to New York is really asking a lot, because the.....

MR.PRESIDENT: I have been informed that the tape we due to run out at 4 o'clock exactly so I will take the opportunity to suspend for fifteen minutes.

AT 4 P.M. HOUSE WAS SUSPENDED
AT 4.15 P.M. THE HON.H.HAIG BODDEN.

MR.PRESIDENT: Proceedings are resumed.

HON.O.HAIG BODDEN (CONTINUING): Mr.President, I just wanted to finish the thought I had started to express when my words proved longer than the tape, and that was that an American investor would be moved to deal in Euro dollars and perhaps sanction other investments which could be carried on comfortably off-shore but which if done within the United States, while the transaction may be legal might provoke or encourage the IRS to seek a slice of the investment pie in some form or other. They are very good in the United States in devising special taxes like their Capital Gains Tax, the Income Tax or the Investment Taxes and I could see this as a development and I would hope that investors, having found the off-shore havens like the Cayman Islands, would continue to use them and would not be tempted to go into New York where the very presence would be bound to stir-up the activities of tax gatherers.

One Member sought information on the postal services. You had mentioned in your speech that parcel post was come to these Islands from the United States in three or four weeks, whereas before that the parcels were taking three to four months to come in, and the parcels are collected in Miami and air-lifted by Republic Airlines to Grand Cayman. The entire cost be borne by the sender of the package. Packages leaving Grand Cayman are sent to Miami by Cayman Airways cargo flight and from Miami on to other destinations. The sender, no parcel, bears the cost.

In Cayman the cost of sending a package by parcel post works out roughly a $1 per pound. Since this service has been introduced no new rates have been put on to the parcel post service, so what is happening is that packages leaving Grand Cayman are now travelling at a faster rate to their destination at no additional cost. It may be that in the future Government will have to examine the parcel post rates and perhaps increase them, but at the

HON. G. HAIG BODDEN (CONTINUING): present time it is my understanding from the postal authorities that the payments received seem to be sufficient to cover the cost.

All mail and packages leaving Grand Cayman are sent by our national airline and the United Airlines reacts in the same fashion, all mail and packages coming into Grand Cayman are sent to us by their own American airline, Republic Airlines.

One Member mentioned the rate of interest charged by the Agricultural Loan Bank - Agricultural and Industrial Loan Bank - that rate is 10%. It is less than current commercial rates. Government has borrowed the money to set up this scheme at 4% and the Member questioned why such a large spread. Well the main reason is the cost of recovering the administration cost of operating the bank.

Initially Government put $57,000 into the Bank to get it started, the rest of the money or all but two has been borrowed from Caribbean Development Bank. Now the Member, (and of course you know by now I am referring to the Third Member from West Bay) was the member who arose then and he worked a little mental arithmetic that showed after Government had paid for the cost of operation of the bank they would still be $2,000 base, that is if all the money had been lent at 10%.

It is said that one person can work wonders with figures. The statement seems to be true, if all the money had been lent to one person on the first day that it arrived at the bank. Also under direction by the bank Government has been told that it must make provision for bad debts. There will be some borrowers who will not repay, there will be some borrowers who, because of certain circumstances, failure in the business enterprise or whatever can happen in the commercial world, will be unable to pay off all their commitments and it is hoped to set aside a fund which will take care of the bad debts, so it is not only the administrative cost, but we also have to contribute the bad debts which will not be recovered, but in speaking on this matter, one must not lose sight of the advantages to the borrower. It is very difficult for a small farmer to get a loan from a commercial bank. Now I know there are perhaps one or two farming institutions that can and have received substantial loans from the commercial banks but even if the farmer was able to receive a loan from a commercial bank I am sure there would be no moratorium on repayments. Under this scheme certain types of borrowings can be had with a moratorium, for example, if a farmer was borrowing money to grow citrus once he could be given a moratorium during which he would perhaps just pay the interest and after some months he would start to make the principal re-payments, so there are advantages under this type of scheme , which would not be available to an ordinary borrower from a commercial bank.

Anyway, it is the first time in the history of these islands that such a scheme has been put into date there have been some loans, assisted under the industrial side and the last time I ascertained it, there had been one on the agricultural side. Undoubtedly this scheme stemmed from the present Government and will come in for a lot of criticism, but I believe it is worthwhile and I would hope that people would make use of it.

Mr. President, if I were to attempt to deal with the many good aspects of this economy and of Government's position I could go on easily until tomorrow evening, however, I have no intention of doing that. Your speech and the budget speech have set out the true position of Government, whether people choose to believe it or not. It is a fine position to be in as Winston Churchill said at the Battle of Britain - "It is our finest hour" and I am delighted to be a part of it.

HON. D. H. FOSTER: Mr. President, I move the adjournment of this House until 10 a.m. tomorrow.

QUESTION PUT: AGREED.

ADJOURNMENT: At 4.20 P.M. THE HOUSE ADJOURNED

STATE OPENING AND FIRST MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON WEDNESDAY, 25TH FEBRUARY, 1981

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS M FOSTER, MBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON DAVID M HARRICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON VASCEL G JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON HAIG G BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON JOHN D MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

| | |
|---|---|
| MR CARSTON C SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DALMAIN D EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR BENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR NORMAN W BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HULDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MARY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR CHADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

ORDERS OF THE DAY

EIGHT DAY

WEDNESDAY, 25TH FEBRUARY, 1981

CONTINUATION OF THE DEBATE ON THE OPENING SPEECH

AND THE FINANCIAL STATEMENT.

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WEDNESDAY, 26TH FEBRUARY, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND THE FINANCIAL STATEMENT

HON JOHN H. MCLEAN: Mr. President, I take this opportunity to congratulate you on your very impressive and comprehensive Throne Speech. At the same time, Sir, I would like to congratulate the Honourable Financial Secretary on his very important Budget Address.

I do feel, Sir, that with two very comprehensive speeches as we have heard a few days ago, that the people of these Islands have understood what is taking place within this area. I feel it has put to rest the minds of those whom might have had a misunderstanding. As always it has been the trend that both yourself and the Honourable Financial Secretary have done a very good job in putting forward the position of our country.

Finally, Mr. President, I take the opportunity to welcome the two new Members to this Chamber. I would like to say to all Members that we were faced with an election in November of last year - we fought the battle - we have been returned here by our people and now that we are here, we are all here for the same reason.

I would like to say, Mr. President, that politics has proved and that Members should tend to stick to issues and not to personalities. I will never participate in this. Let us therefore turn a new page and work together as men and women for the betterment of these Islands.

Mr. President, if one could only look at the stability of our Mineral Government - this itself should encourage Members to work in the Houston to keep it this way. We are blessed with such a booming economy - we are fortunate that being such a small Island we could put forward such an enormous budget in the amount of $40m. Along with this something else that is very important is that we have done this without further taxation. This, I am certain I am correct in saying we are probably the only set of Islands in the Caribbean that could do something like this.

I feel that this can continue, Mr. President, but of course it is going to take a lot of blood, sweat and tears. I cannot foresee in the future time for this Honourable House to come in here and to waste time rather than to come to the point and to deal with facts and figures.

Let us look at how much growth has taken place in the banking industry. The tourist industry also, Mr. President, has continually been on the upside. I am certain that with proper handling we can look forward to this holding that trend for sometime. However, although we have this today we are sometimes good times one should always be careful not to destroy what we have at present. We should also try to encourage as much as possible our two main industries.

Mr. President, it is with deep regret that our sister Islands have experienced the hardships of a hurricane, but again I feel this was just a warning to us. I remember the last time I spoke in this Chamber I stated how important it was to put away for a rainy day. I am aware and I am quite grateful to the performance of our Majesty's Government with assistance of Mr Wills. I am grateful to the generosity of Cayman National Bank, but Mr. President, what I felt was most important was to know that our Government was able to move in full force and we did not have to worry where a second dollar was coming from.

HON JOHN B. MCLEAN (CONTINUING): This I consider good housekeeping when we decided to put aside money in reserve. However, Mr. Speaker, we should still give God thanks for the sister Islands - although there was much damage there were no lives lost. And as the old saying goes "Where there is life there is hope". I know it has been mentioned that certain things have been discovered since the hurricane that Members were not aware of. While I feel now that we are aware of this, it is time that the Members of the Lesser Islands should try and bring it before Government that we should do our utmost to have them corrected.

I support the idea of a dock and an airport in the Lesser Islands. I am quite aware of the problem which exists there. I have dealt, over the years, very much with the problem of the dock - not through Government, but through a firm for which I worked. I know the problems of shipping stuff there, whether wise, cost wise and this, Mr. President, can only hurt one person and this will be the consumer because when a merchant imports something to Cayman Brac it is impossible for the merchant not to pass on the cost. And I feel that we would only be doing right to go ahead as quickly as possible and to have proper docking facilities in Cayman Brac.

Also, Mr. President, the airport facility. Cayman Brac, like we were sometime ago, is presently in the growing stage and I feel that for proper growth, especially in the tourist industry, we should accelerate the process of a good airport. Further to that, Mr. President, I am not here to say that I would like to see a daily jet service - I do not think it would be profitable, but however I would like to see airport facilities brought to standard that we could do a jet service there once a week or whenever and most important in the event of accidents, especially now that we have what I would consider a dangerous operation going on over there - the oil traveler, one never knows when something serious could happen. We need to know that if it was necessary that it would take no time to move in and take people out.

Mr. President, one Member has put forward his concern about Each Members visiting the Brac. I speak for myself and I am sure other Members share the same view. It is my intention to visit the Brac - I will not commit myself to any monthly, but I hope to visit the Brac as often as possible. I would have before, but anyone is aware of the problems I have experienced in taking over my office. First of all, just about everybody in was in my office and I felt it would be wrong for me to really move out until I got into the feelings of what was taking place there. However, I give my assurance to the Members that I shall be coming in the near future and when doing so I will not hesitate to contact them and whatever possible that I can do in connection with my portfolio, I will be happy to do it.

Mr. President, I am aware of the question that have been put forward concerning an Elected Member to Executive Council. I assure any that I can agree totally with the gripes that have been put forward because, again I speak for myself, whatever possible within my portfolio that has connections with the Brac shall be done and again I feel that although there is not an Elected Member, that the Member who has been charged with this responsibility will do as good a job there as he has done in his present post.

I would like to go a little further into this, Mr. President. For a small district as mine, though not the smallest, for many years we had the experience of having a Member of Executive Council. In 1972 it happened that in the general elections the Member was defeated by myself. At that time I had no ambitions for Executive Council - I was aware of the political times before us and I felt it was only right to put somebody who had had more experience at that time to take over the reigns of Government. So for many years while representation was in Executive Council for my district, the time came when for four years there was nobody. I am not here to say, Mr. President, that there were not people in the minority who felt that there should have been somebody here for those four years, but whenever this was brought to my attention I tried my best to keep it quiet and I told the people my reason for not seeking a seat and today I am certain there have been no regrets.

HON JOHN B. MCLEAN (CONTINUING): I feel, Mr. President, that this matter should have been left sit longer for a while to see exactly how it would have worked and so far I feel I am correct in saying it has been working perfectly. One needs only to take a look at the Bahrain and it is quite clear that whatever would have gone to the Sister Islands with a Member in Executive Council has still been put forward for them.

I would support the Member from North Side on his view concerning the constitutional change where representation came to Government from 12? residents. I too disagree with him, Mr. President -- I do not feel it was necessary. As has been mentioned in this Chamber, not only the 1980 election has revealed this, but also in 1978 it was quite clearly put forward throughout this Island that we as Members seeking a seat in the Assembly would never agree to further constitutional changes.

Mr. President, I feel if I was to go against that I would be going against the wishes of my people. It is in my humble opinion God in his heaven, the constitution of the Cayman Islands and the greatness of mother nature, we shall combine to survive. So I feel that this should not be pushed in any way and I hope that in time to come before any drastic steps are taken the idea of a change in constitution will die a natural death.

Coming to the Police Force, Mr. President, it is my humble opinion that presently the Police Force has been placed in good hands. I have much faith in the new Commissioner - I feel that the Commissioner has our Islands at heart - I feel that he will do everything in his powers to make a good force and, Mr. President, most important I feel he has started off on the right track and that is to institute proper training of our police. I will never go against training our police. I know many times our Police Department has been ridiculed - young policemen have become discouraged and I cannot see it being the fault of the police if proper training was not given. I have always said that training for our policemen should have never been done in Barbados. I am happy to know that presently a training school has been established locally and that the training officers have been brought in from another country. I am certain that in years to come, Mr. President, there will be no regrets.

Also we will have a policeman does not have an easy life. Being a policeman is a very hard task and especially, Mr. President, when in most cases the police do not have the support of the general public. It is no use of the public complaining the police and not trying to help. I feel that if the public became more concerned and gave our present police force more moral support, a lot more could be done. It seems to me like some people believe that a policeman is somebody completely different, but one should always stop and realize they are only human.

Mr. President, the Traffic Department. I am sure this is the area which has in a way more action than other parts. I am aware of the crazy drivers on the roads - I am aware that presently the Traffic Department has been trying an hour on monthly and I must say I feel it is working. I have seen a few things while driving on the road and I feel that with more radar patrol cars late more could be done. I am aware that to bring in more cars, to bring in perhaps another radar equipped car will be quite costly, but this does pay off in the end. What I suggest with my hobby a car equipped with radar patrol is an area with motorists passing who are of course breaking the law - the car has to pass out at a fantastic speed which in my opinion while it might well result in any annoyance, I feel that if there were two cars - the one equipped with radar and radio, once somebody passes through that area the second car would be there waiting on them. This would mean that the car with the radar would not have to be rushing out endangering the life of the public and also their own lives in trying to stop one who is breaking the law. I support it wholeheartedly, but I feel that if it is done this way it will be much safer.

HON JOHN B. MCLEAN (CONTINUING): I am also happy, Mr. President, with the new prison which is being built at Northward. I feel that this was a great move on behalf of this Government when it was thought to build our own prison here and to bring back our prisoners to Cayman. Again I am aware of the reason behind sending prisoners to Jamaica, but with conditions which have existed there in the past years I could see this doing our prisoners no good. I feel that instead of making them better, in most cases it has added to their bad behaviour. Not only that, but regardless of what crime might have been committed by an individual we still must remember that individual is somebody's child. I feel that with prisoners on the Island and their people being able to visit them will again mean a lot. Going over to Jamaica, serving a sentence of perhaps two to three years, being away from families and friends, to me is not half the embarrassment of having somebody from your family come in and visit you. I think right away, especially in the cases of brothers and sisters, the embarrassment of being seen in jail will help to curtail crime.

I wholeheartedly agree with the bringing in of prison staff from the U.K.. I also feel that our Caymanians should be trained properly under the supervision of those brought in and I further feel that when the time comes when they are properly trained that they should be given the chance to take over the posts. I think the standards of the police force in the U.K. stand out among all others. This has been a point which I have tried to put across here many times and praise God I am living to see something come to pass. I do hope and trust that in the years to come it will greatly benefit our country.

Speaking of Broadcasting, Mr. President, again I feel that while this Department like other departments does not at all times do right, I feel we should still hand down to it what it deserves. I feel that it has been doing a fairly good job and most important during the recent hurricane I must say that Department has done exceptionally well. We have many people living in areas and through this media were able to keep track of what was happening with the hurricane and also I am proud to know that this Department is among those that are controlled by our Caymanian. I am sure that as time goes on this department will grow and that in time to come it will be an area that we can be justly proud of.

Turning to Immigration, Mr. President, I am aware that the general public is not at all satisfied with Immigration. Again I feel there is lack of training in that area for the volume of work and the volume of important work that has to be done through that Department. I feel that it should be handled by very skilled people. Further to that I feel also that that Department is under staffed.

It is impossible with the amount of people coming into our Island for such a small area to perform properly and to meet all the requirements necessary. I would like to see more staff and properly trained staff in this area. One of the deep concerns among the public is when somebody is employed by them and the present work permit is coming to an end that that party has to leave the Island before a new one is issued. This, Mr. President, is time consuming, it is very costly and I feel that we should try to speed it up - I feel that we should try to get a different policy by which it is dealt with and that this gripe of the public can be ironed out and in the near future things running smoothly in the Department.

I am aware of your comment on computers for this area, but again, Mr. President, a computer needs qualified staff - so again I recommend further training and I do hope that with this things will continue to speed up and to meet the demands of the public.

It has been brought to my attention that on this Island there are some people who try as much as possible to create problems for Immigration - I think this is very unfair, as it is there are enough problems. One of the problems, Mr. President, brought to my attention is where certain people who employ expatriates will go to that Department telling untruths in order to receive a work permit stating that the position for which they need a person is in a higher bracket than what really they are taking the guy on for. This I think is ridiculous because it is only fair - how in the world can we ever have a true face of what is taking place here if the correct information is not given to Immigration.

HON JOHN A. MCLEAN (CONTINUING): There are also many gripes concerning imported labour. Again, Mr. President, this is one of the areas where you will always find the minority raising cain. Normally the people who try to cause a problem here are those who would never be employed. But I feel that we should still take a positive look and minimize as much as possible imported labour. Some people are concerned about the boom our Island is experiencing and I feel that this is one of the things that can perhaps stretch this boom over the years working with what we have to work with instead of importing labour in excess and moving through too rapidly.

Mr. President, turning to the Civil Service I must take the opportunity to praise Civil Servants. We must always remember that it takes a good Civil Service for the day-to-day operation of Government. I am aware as in other business you will find certain people who are not willing to perform for the money they are paid, but it is in no way fair to Civil Servants for this because you will always find that you will always have one or two black sheep. We have, among our Civil Service today, Mr. President, some of the most dedicated people in our country. I feel that it is only right to work along with them and in my way of thinking it is the only way possible to run a proper Government.

I am happy to know that we were able to give a further increase in salaries to the Civil Service. I hope this has been accepted and I am quite certain it has been. The portfolio of Finance and Development, Mr. President, is one of the most important portfolios. I feel the Member in charge of that portfolio should be commended especially for the presentation of the recent Budget and in the day-to-day operation of his Department. We should be grateful to God that the finances of our country are in such capable hands.

Mr. President, Economic Research and Control Unit, one of the Departments for which I am responsible and again one of the more important Departments. It has been stated here by many Members how pleased they are - I am grateful for this. The figures which have been quoted in your Throne Speech I am sure nobody in their proper senses would like to have to go back to the days when so many mosquitoes were collected per night. I am hopeful that Members of this Honourable House will continue to support the Department and in this way I am certain that with the good guidance of the Director we will be able to achieve much for these Islands. There have been certain hindrances - as Members know the Department has recently lost one of its nurses. We are hopeful in the near future to have this replaced and the jobs that the plans, which has been lost, used to do will be continued.

Some concern, Mr. President, is placed on the Agricultural and Industrial Development Board. I feel this was another great move of the Cayman Islands Government in establishing such a very important Board. I am also pleased to know that some Caymanians are making use of the funds available. I am hopeful that in the future more farmers will take up loans and try their endeavours to promote agriculture. One Member was concerned about the rate of interest - Ian and I felt, Mr. President, I should state that this is laid down in the agreement and it is my understanding that at first it was at 8%, but due to what it was recommended by the bank, that, to move the rate of interest to 10%. I feel this is still a fairly good figure considering the high rates that the commercial banks have today. As the Chairman of this Board, Mr. President, I will encourage farmers to make use of monies available and I am hopeful that we will reap a benefit in years to come from this very important Board.

Another Member mentioned the Farm Development Plan - he stated that he would like copies of the Plan and I give that Member my assurance that as soon as possible that they are available I will have them circulated. Again I hope in the near future, as this falls directly under my portfolio, to accelerate as fast as possible to do something about the Communication Farm and agriculture in the Cayman Islands on a whole.

HON. JOHN B. MCLEAN (CONT'D): I am not at all satisfied with the progress over the years. I feel that with a little more effort from the Department and a good plan to go by that much more could be achieved. I am aware that there are several problems surrounding agriculture in the Cayman Islands. Rainfall for one, Mr. President, is a great hindrance. Labour is another. It is quite costly to farmers who are interested in farming to the right footloose sons. We are all aware that this is not a fast money maker. Also in certain areas where most farming is done, and this is farming I should say by individuals, access roads are needed. This again will help with clearing of properties. It is no doubt, Mr. President, much cheaper to use bulldozers for clearing than to hire man-forces. I hope and trust that in the near future I will be able to have established a few feeder roads - this was also mentioned yesterday. I am hopeful that once this is done and with the establishment of the Industrial Board that two great hurdles will be out of the way. At that time, farmers will be provided with both modes, certain feeder roads to their properties and I would say it will be left to them to make the best of it and knowing the background of good old farmers in the Cayman Islands, I am quite certain that with this help something will be done.

Since I have been elected, Mr. President, I have tried as much as possible to visit those who are now involved in plantations - also I have visited the Cayman Poultry Farm and needs I am pleased to know that this has once again passed into the hands of Caymanian farmers. I feel even more encouraged to press a little harder after visiting farms like Woodwill's Banana Farm, Island Vegetables of Northside and the Cayman Poultry Farm. It really shows what can be done. I am hopeful that these areas will be a great example to other farmers and that in the near future we will see great changes and more farms established throughout the Islands.

Mr. President, we are all aware of what has taken place at the Cayman Turtle Farm when in May of 1979 the District Court in Washington ruled against the sale of farm products in the United States. This has been a severe blow to the Farm. It has been a severe blow to employment in this country and while things still look dark I am still hopeful that we will be able in the near future to find out some good avenue that will give us a proper market for the produce of the Turtle Farm. As a result of this ban there has been a fantastic cut in the amount of turtles reared. The staff complement has been slashed from a figure of about 700 down to about 23 persons. The sale of meat has been slashed from about $60,000 down to $30,000 and, Mr. President, I am certain if something does not come up in the near future this could even be worse.

I am hopeful that Government will look into this thoroughly. I am hopeful that all Members of this Honourable House will see the problems. I am hopeful that Members will realise how important it has been from this Farm - it has played a good part in our tourist industry - it has played a very important part in the employment of our people and, Mr. President, I would not at all like to see this Government sit back and let the Farm come to an end. I am hopeful that even if we cannot meet the needs of the Farm that something will be done to resolve the problem. I have, since being elected, written to the Governor of Miami - this morning I received a letter from him and he has given me the assurance that he will try whatever possible. He has presently referred the matter to the Department of Natural Resources for an evaluation and he has promised to keep in contact with me on anything that might come up. So, Mr. President, I am still hopeful that something can be done and in the near future this Government will take steps once again to give some sort of assistance.

Education, Mr. President. Again I think I am correct in saying this Department is the most important department in any country. The Governor of Minnesota once said, "one of the two riches of life lies in the happiness and success of one's children". Mr. President, in a day and age like today it is impossible for children to place themselves in the world without a proper education. I am aware of the need of education to this Government, but, Mr. President, I do not feel that too much could be spent on educating our people. It makes me happy when I see new young people receiving a benefit which I was never lucky enough to earn. However, I am very pleased with the stand taken by the Member who is in charge of this

HON JOHN B. MCLEAN (CONTINUING): portfolio. I think it was a very wise move when he decided to look into the educational policies. I feel it was highly necessary at that time. We are aware that the standards of education at that time were beginning to deteriorate and it is most unsafe, Mr. President, the serious results that such policies have proven. I am hopeful that the Member, and I am certain he will, will endeavour to continually upgrade these policies and that our little Island can continue to be the pearl of the Caribbean.

Mr. President, I am happy to see the present figures of our tourist industry - quite this has been brought about not only by chance, it has taken much planned time. I feel the Member of this portfolio has done wonders - he has left no stone unturned in the area. I feel that with the present Director of Tourism as President of the CTA that our little Islands will soon be better off. There is nothing like having somebody at the controls who has our Islands at heart and I am sure I am correct in saying that this is the case before us.

I am also happy to know that the Audit Audition Department has passed into the hands of a very reputable Caymanian. This again, Mr. President, is very important. There are certain standards that we need to maintain. I am certain with his good guidance and the assistance of those of the others concerned this will be an area that we can be greatly proud of in years to come.

Mr. President, one Member in the debate put forward her concern of a certain staff member who is presently in my Department. The name was already mentioned so I will just mention it again, Mr Gomez. The Lady Member started her concern about having Mr Gomez out of the Lands and Survey Department. I have personally discussed the matter with Mr Gomez. It was not a matter of a transfer from the Department, it was a matter that the member wanted to leave the Department. He gave me the assurance that he would be happy to work as an assistant in my office and in years to come he would be happy once again to go back to this Department. I further asked the member if he was certain there were no pressures put on him - I was given that assurance and I am certain that with his presence in my office he will still be giving his wholehearted assistance to the Lands and Survey Department. So, Mr. President, I do not feel that the Lady Member needs to fear that Department going bad because Mr Gomez will still have a watchful eye on it.

Another area of concern was that of the Governor's Harbour. One Member mentioned that Caymanians were deprived of using the area for mooring a boat. I will not comment too much on this, but I will simply say I am certain the Member is aware that this is one of the results of the late Dennis's Hilarity. However, Government saw the need for a proper area for fishermen in that area to dock their boats and presently permission has been granted and the job is well on its way in the West Bay area and I am quite certain with the plans I have seen, when this is completed it will serve the same purpose and perhaps in a more convenient area.

Mr. President, Fire Service in the Cayman Islands is becoming more and more necessary. Presently there are many condominiums being built. In most cases they are built without fire exits. God forbid, but it is quite possible that a fire breaks. We are aware of what has recently taken place in California and while I am pleased with what we have, because I feel it is really doing a good job, I think that we should not lose sight. I feel that Government should look further into the matter that proper equipment be bought. This equipment is quite costly, but lives mean much more than any cost that could be incurred on this equipment. I am not certain if the present equipment is large enough to reach a four storey building - I think this is very important especially when we are aware that are no proper fire exits on most of these buildings. One tends to think what would happen in the event that a fire broke loose and people became trapped on a top floor. We have not as far experienced any such fires, Mr. President, and I am hopeful that we will never, but it is always good to be prepared.

HON. JOHN P. MCLEAN (CONTINUING): A great concern of mine, Mr. President, is to see a proper labour office established with a qualified labour officer. As we move through life we find there are things that become more and more disturbing and I feel that one that we have an enormous amount of jobs on the Island so no doubt have many people who have problems and I feel it is only fair to our people, that when something like this comes up they have a proper office, that they can either get on the telephone or they can go to the office and be properly dealt with. While our people are known to be quite peaceful I feel that things of this nature could aggravate their feelings and no doubt, Mr. President, when one becomes aware we are aware of what could be the outcome.

Mr. President, housing in the Cayman Islands is becoming a problem. I am sure Government has taken steps. I am certain this was the common thing to do. This all depends on the cooperation of the general public once again. I am aware, but it is being emphasized as much as possible by the Member who is responsible. A Member in his debate commented that he felt some people do not try to build a home. I must disagree with him - I am aware from years ago as a young Caymanian with a very small salary, I wanted to build my own home - I was aware of the problems that surrounded me at that time and today if anything these problems facing young Caymanians have grown. Today the interest rates on mortgage money are very high. It is very discouraging for a young Caymanian and I speak of a Caymanian who has ambitions of settling in, starting a family. When he or she approaches a bank and is faced with an interest rate of 10%, it is very discouraging. I support the idea of homes being built. I am aware that Government has set up a Housing Authority to look into the matter. It is my understanding that other difficulties are considering building homes and selling at a reasonable price. It is no avid that what is the sense of building a home and offering to the public if there is no long term money available. I am certain this again can be worked out. As I always say about problems, Mr. President, there is only one way to deal with it, that is to face it and I am proud to know that this problem is being dealt with before it becomes out of hand.

Public Works Department, Mr. President. There is no other department in my opinion that operates under such strenuous circumstances. We must be realistic - it has at all times something to do. I feel that as we present the Budget before us and we are aware of the things that we would like done in 1981, I do not agree with the idea of leaving everything to this Department and expect at the end of the year to have it done. I feel that it should be planned out properly with the Department and an estimate done on what work it can take on for the year and if it is necessary to offer certain jobs on contracts to the private carpenters, or whatever, I feel we should so. There are some jobs that have been left from last year that need looking into and I feel that we should take the attitude of having these completed as early as possible this year before commencing on what is coming up for 1981.

Mention was made of the sidewalks on Harbour Drive and I have heard the Lady Member in this Chamber many times state her feelings on Harbour Drive and the sidewalks and I am glad that she is still with us and has reaped what she has sown. At least, attending here and speaking on it many times she has lived to see it become a reality. I feel it has added lots of attraction to that part of town and more important it is more safe for people walking in that area. I hope that this could be done in more areas, that is the building of sidewalks. It was the concern of one of the Members who spoke before me and I agree with him, it is quite costly, but most important it is very needed and it is necessary in the area which he pointed out.

Mr. President, I too would like to say how pleased I am with this Legislative Department. I feel if there is one department in Government that is efficiently run, it is this one. I think much credit can go to the Clerk and her able staff. I cannot remember any time in my previous four years that this Department was run in a different manner. Everything is always done on time - everything is neatly in order and I am really happy to know that I have had such an association with this Department.

HON JOHN S. MCLEAN (CONTINUING): Cayman Airways, Mr. President, there has been a very great concern of the people of these Islands. I am aware the airline has passed through some very strenuous conditions, however, I feel that being a multi airline it is not the only one that has experienced this. A great concern was that Government has continually put money into the airline, but I feel that the public should never look at one side of a story - we should always think of how important it is to our Island to have a national airline.

I heard on the news some time ago that one of the largest airlines in the United States was experiencing problems of a similar nature and in some cases certain routes had to be dropped - so I still think, Mr. President, with what has been done through having this little airline we should still be justly proud of it.

I know that much emphasis has been placed on the Islander - again I will not say that I am 100% for an aircraft of that size, but we must always remember we should crawl before we walk. As I understand it with this little aeroplane it is not possible to take a full load of passengers and luggage. This may be quite true, but at the same time one should stop and think, with this airline it is not possible, as I understand it, to break even. What would happen if a larger aeroplane was put on this run. I think that we should leave with what we have for now and as things begin to develop in the Lesser Islands, then Government should take a positive look and may end put on a larger aeroplane.

The Member from the Lesser Islands went into a little detail as to how many people this would take with luggage and like I said I can see his point - I sympathize with it, but on the other hand, Mr. President, I hope that he would be patient and bear with us and I am sure that in the end it will be for the betterment of the country.

Mr. President, one further note I have made here - one Member made a remark and I am not certain that I copied it the way it was said, so maybe I will be brought to a point of order, but it has rested with me and I would like to try and have it clarified however I would like in no way for the general public to feel this way. A few days ago the First Elected Member made a remark concerning the new Exco, I do not feel it was fair to me - he mentioned, and like I have said I am not certain they are the correct words he used, something about if since he had left Exco the Members had changed their attitude and were here to get what they could out of Government.

Mr. President, like I have said I think I was quite unfair for him to say, especially that I am a Member I have previously been in his employment for many years - he is aware of the type of person I am. When I am in an employment I try to build for the money which I receive and more so that I am put here by the people of the Cayman Islands. I have no feelings as to some have for my own benefits, I am here for the betterment of the Cayman Islands and I am quite certain if the truth is told he could only say likewise concerning me in his employment. I am not saying this to stir up a matter, I just wanted to have it clarified and let the Member know my feelings on it. I feel if something was represented here before I came I should be no part of it, but in returning to Executive Council presently I am a part of it and I felt I should make this point.

Mr. President, in my closing remarks, I would like to say that I hope that the Honourable Members in this House will take a change of attitude - that we will work together for the next four years and we should always think of our country and people and not of personalities.

HON JAMES M. BODDEN: Mr. President, Honourable Members, I am pleased to be able to stand in this Assembly once more representing the district of Bodden Town and as I feel about Executive Council representing the entire Islands and to be able to debate and discuss this Budget that is before us.

HON JAMES M. RODDEN (CONTINUING): I feel that all Members of this House, on both sides of it, should be very proud of the accomplishments for the past four years which enables us to present the type of Budget that is being presented here today. I must compliment you, Mr. President, and the Honourable Financial Secretary for the delivery of the two excellent speeches which set out the programme of this Government for the next year.

In reviewing the Budget it will be easy to see some of the policies that have been set which are reflected in the way the money is being spent. Mr. President, I hope that you will be able to be here with us and have us deliver many more times. I cannot say in all honesty that the opposition may join us in that wish.

The past four years we have seen a momentous growth in the economic sector of this country. It has given a very high standard of living to our people. We have been able to accomplish great strides in nearly every phase of life in these Islands.

We, the Elected Members, are quite cognizant of the fact that with every economic boom there must be attendant problems in the social sector, but even these problems we are attempting to face them before they become monstrous and to devise measures to cope with them.

The Budget that is being presented here in this Assembly for 1981 will deal with many sectors of the economy so the Members of the House will be able to see that we are beginning to pay a lot of attention and beginning to devise programmes to tackle the social problems that may exist.

Mr. President, it is quite natural that in an economy such as ours based on tourism and the financial sector, that we will have attendant problems which accompany these. It happens all over the world - we are no different and it will happen here. The problem arises when you do not realise that these problems may be creeping into your society.

In the situation which has just gone by that was the main area of contention from the opposition Members that not enough attention was being paid to the social sector. It remains to be seen what support will be given to the programme that is being set out for 1981 because it will plainly show that we are committing to the country a civic and cultural centre, playing fields, purchase of some hills, sports equipment, Meals-on-Wheels programme, assistance to the Old Folks Home, a school for handicapped children, the continuation of the pension programme, enlargement to the Boy's Home programme, prisoner rehabilitation, drug and alcohol rehabilitation programme, appointment of a sports co-ordinator, appointment of a qualified director of Rehabilitation Centre, support for day-care centres for pre-school children, school canteens, museum and a realistic bush relief programme.

I remember in 1972, as a freshman in this Assembly, crying, my colleague and myself from Bodden Town, for the better part of the day to get some relief into estimates from $750 to $1,500. We are in a position today where, thank God, we can approach this programme realistically. We can look to give help to the less fortunate in the community.

People of the Cayman Islands have a right to be proud, not only of the present Government, but also of the foundations which have been laid by previous Governments and our ancestors. We feel that as a Government we have fulfilled our promises that we made to the electorate in 1976 - we feel that we have protected fully their rights in this country and we plan to continue this programme.

There was mention of this administration carrying forward the plans that had been set by our predecessors. In all honesty I must ask, as I am sure my other two colleagues on this side and our colleague from Cayman Brac who was with us in 1972 to 1980, where are these plans? If they were available, Mr. President, I personally have never seen them. I think on taking over my portfolio I found a paper slip and a rubberband in my desk. So if these plans were available, plans on which the future of the country was being built, it is my opinion that they should have been given to us as Elected Members when the Government changed in 1976.

HON JAMES M. RODDEN (CONTINUING): What I say is, Mr. President, that this is one more figment of the imagination where no programmes and no plans existed. The plans that turned this country around from 1978 to 1980 were plans that were put by that administration and those plans were formulated and we rode hard on them to see that they were implemented, and I am quite confident that that is what put the country back on its feet and not programmes that were initiated by people before us because those programmes as I just said have never existed.

The opposition to the present Budget, led by the Third Elected Member from West Bay, has presented a dismal and dismaying picture to the people of this country for the past four years - yet in spite of all this the Caymanian people have never before experienced the affluency that they do now. Today in our country most of the wages that are being paid are on a level with wages in the United States of America. Yet you will hear that nothing has been done for the country. I say that we have taken great strides in the past four years and we have been able to do this because of the belief by foreign people in the stability of this country. Much was said after the 1972 election of what would happen to the country - I can quite remember some of the pictures and some of the articles that appeared in newspapers and the predictions of the banking community and so forth that everything would be ruined, that the banks would flee - Mr. President, instead of that we find the opposite.

The 1981 Budget of over $40m (CI) or about $2,422 (CI) for every person in this country, is a large budget. It represents 23% over estimated budget for 1980 and about 28% over the revised budget. In my opinion, this is truly an accomplishment for such a small place. This denotes the buoyancy in our economy and why we can fulfill our pledge to the country by submitting in this Session of the House no new tax measures and reducing taxes on some imported foodstuff. It is our stated aim to continue to remove customs duty on the foodstuff. It is our opinion that it is an unequal and unfair tax and as long as the money exists in other areas, we will pursue this policy. We can only hope that the people in the private sector will cooperate with Government and we feel certain they will to see that the savings are passed on to the man in the street.

From Government's point of view we are prepared to closely monitor these items. We feel that the savings should go to the housewife being that Government is willing to forego it.

It is a credit to the private sector, Mr. President, that they have worked very closely with Government in the past few years and that in 1980 we were able to control inflation in this country to where it did not exceed 14.3%. Many developed countries of the world today have inflation rates going into the 100's and when we stop to consider that in this country everything is imported and to be able to keep inflation to this rate, I think it is a remarkable accomplishment - but in view of this, Mr. President, we cannot relax and we must continue into the year 1981 and in the years ahead to be vigilant and to seek the cooperation of the private sector because to govern harmoniously Government and the private sector must walk hand in hand.

The opposition continues to preach the doctrine of slowing down this economy. They speak of controlled growth in the private sector - of devising economic plans for the private sector. Mr. President, it is only usually in communist countries or socialistic countries that we get this being offered to the private sector. Government must cope with Government - let the private sector cope with the private sector. No expert in communism has ever been able to devise a plan to slow down the economy of a country and yet be able to keep the economy buoyant and the labour force working. It is a fallacy if anyone believes it can be accomplished.

The opposition's planning in the past, in my opinion, was mainly done by imported experts which they blindly followed. Experts who had no knowledge of our country and the people and that is why mainly they failed. I agree that expert opinion can be helpful, but I do not believe that we must follow experts in the biblical tradition of the blind leading the blind. When that happens we can only have further chaos.

HON JAMES M. RODDAN (CONTINUING): Most people in this country have not forgotten the years 1972 to 1976 when this country was in a static condition and a great part of the labour force was unemployed and the people were hungry. There was fuel - this is not a myth. We took over, Mr. President, after the 1976 election and when we took over there was no surplus of money in the Treasury. There were no reserves - there was a deficit. I want this House, this day, to compare those figures with the record at the beginning of the year 1981 as presented to this House which show a surplus of approximately $11m and reserve in the Currency Board exceeding currency value issued of nearly $3m. In addition to this, during the past four years, loans have been made by Government which are repayable in the future and yet are carried as an expenditure. There are investments that have been made by Government and yet the country is in a position to where there is a surplus overall, including the reserves of approximately $13m (EC). If this was an accident, Mr. President, something is wrong with it. This proves that the plans that we worked on between 1976 and 1980 were plans that were well laid and that they were made right. It proves, Mr. President, that we were not carrying forward a policy which had been set between 1972 and 1976 because everyone is quite cognizant of the disaster which that plan brought to the people of this country.

We do not belittle the fact that some worthwhile developments took place during the years 1972/1976, but this development took place by them using all of the country's reserves, plus large borrowings which are only now being paid off and it was not done from general revenue as in the case now. Development cannot be closed down - it is difficult to roll a stone up hill, but easy to go down hill with it to disaster.

There are few countries of the world, if any, that are able to present a budget at the beginning of the year to the people in which better than 90% of its capital expenditure are being covered from general revenue, but yet that is what is being done this year.

The leader of the opposition has alluded to their five year economic plan and economy development under their administration and that our Development Plan is no good. Mr. President, I have to ask again, where is that five year economic plan? Is it the disaster that they were trying to bring forward under the old Development Plan? - Is that the plan he alludes to, because if it is I would be ashamed to admit it. That plan which was submitted between the years 1977 and 1976 brought nothing but disaster to this country. He speaks of the lack of forward planning in the past four years. If there ever has been a time in history where there was a lack of economic planning, it was in the years 1972 to 1976. I wildest imagination will say that these were myths and fantasies of his mind which wafted to him on the cool cannabis breezes as he slept in dreamland. I cannot account for it any other way, Mr. President.

It is said that the down-turn in the economy 1972 to 1976 was caused by world recession and that in 1976 to 1980 the country was in an upswing. Mr. President and Honourable Members, the accounts which have been placed on the table in this House in the past will prove that wrong because if the economy was on an upswing in 1976, why was 1976 probably the first year in our history that recorded a large deficit? It is said to have a component, but in this case they cannot hide under the blanket of world recession. We caused our own recession in 1976 to 1976 because a damper was put on the forward planning of this country and we tried to go back into the middle ages - that is what caused our recession. We caused our own recession because investors from abroad lost faith in the stability of this country and I pray to God that God will help us, in whatever time we have to spend in Executive Council, that we will not be blinded in the manner the previous administration was blinded following the blinded experts.

HON. JAMES M. BODDEN (CONTINUED): Today the Cayman Islands are a recognized world renowned financial centre and in a short time these small Islands could easily occupy the number one position in the world. Today 25 of the 30 world leading banks have established themselves here. This would not be so if we did not have stability. This would not be so if the foreign investors did not have faith in the Government of this country. This is why again, I have to say that the economic down-turn in 1972 to 1976 was caused mainly because those investors had lost faith in this country.

The Development and Planning Law, 1977, has disclosed the chaos which accompanied the plan that was set forward by the 1972/1976 administration. We realize, Mr. President, that it is not perfect and that in certain areas it will need some adjustment. We have to adjust, not the only the Development Plan, but many things in our laws to fit in with the other changes that necessary us in the world at large. It is like buying a suit of clothes - the tailor will fit you because by you buying it on he can easily leave him to alter it to your style.

The Development Plan of 1977 has brought progress and stability to this country. I am proud that that Development Plan, with all its failures that may be embodied in it, was put forward in 1977 because by putting it forward the country went forward. Under that plan, Mr. President, a building code is needed, but shortly we will come to grips with that.

We also fully realize that problems exist in regards to water and sewer. But, again we are not behaving like the ostrich and burying our heads in the sand - we are facing these problems and looking forward to what can be done about them.

There has been much weeping and gnashing of teeth recently from the sister Islands demanding a change in the constitution. Mr. President, I am not here on one occasion to argue whether the constitution should be changed or should not be changed. I will put out some of the points as I see them. Frankly in my opinion, which is just a personal opinion and does not represent the opinion of anyone connected with me, there may be time for a constitutional change, but I will say, as I have said in the past, it must come by the wishes of the people at large and that change must come by the wishes of a majority and not a minority.

The constitution, like everything in life, will need revising. Nothing in life will suit all men all the time. The Cayman Islands, like any modern country, has come to the point where there is a grouping of different political views. The population has become fully aware of the part they do played in progress and development by politics. We function under a democratic Government and the cornerstone of our democratic Government is the governing by the will of the majority. Should we enshrine in the constitution, the formula of governing government of geographical areas rather than by wishes of the majority, we throw democratic government out of the window. Further on that, Mr. President, a coalition governs only when the people have not made a majority choice.

The people in the Cayman Islands made a majority choice. There was no reason to have a coalition. Democracy can be easily destroyed. We must ensure the democratic government of this country. Games that are played in the dark have a very bad tendency of eventually becoming exposed to sunlight. If Executive Council, Mr. President, was made up of geographical groupings rather than political groupings, can you or any of us imagine the tower of Babel that would exist in there? In the past four years the sister Islands consistently, per capita, received a larger portion of Government revenue than Grand Cayman and it continues to do so in 1981. Extensions presently for the sisters Islands in 1981 are road repair, completion of the Administration Building, lengthening and widening of airport runway, installation of runway lights and electronic equipment, repairs to the airport terminal, additional fire fighting equipment, expansion of the school system, docking facilities and so forth.

HON JAMES M. BODDEN (CONTINUING): Mr. President, how can anyone say that the sister Islands have been maltreated. At least we should have been given a chance to present the Budget before a decision was made that constitutional change must happen. If that be true, Mr. President, can you imagine what would happen when we open up the constitution to say that Cayman Brac and Little Cayman must be assured of a seat in the Executive Council? We are going to have other areas saying something similar to that and, Mr. President, we could wind up with a very large Executive Council that could be able to accomplish nothing.

When we sit in Executive Council it is in my opinion that we do not then just alone represent our constituencies - we represent the entire Islands and we deal on a national level rather than a parochial level. The records will show that although during the years 1976 to 1980 there were two Elected Members on Executive Council from Bodden Town, yet the district of Bodden Town received less during those years than any other district in the Islands. We could not go in there to say Bodden Town must get everything because half of Executive Council on the elected side are from Bodden Town. We went in there with the idea that the country as a whole must succeed because if the country succeeded, Bodden Town would succeed.

But, Mr. President, let me be very frank and candid - if the Lesser Islands were assured a seat in Executive Council then the famous and historic first capital of this country must be assured of at least two seats in any Executive Council in the future if we are going to keep it on that. But even so, if Bodden Town were to be assured of two seats, I would fight against it under this system because it is wrong - it is impossible to make it work. The sister Islands now have dependable air service and communication by the Islander and the 500 carry plane and will in the months to come have passenger jet service. It may even happen, Mr. President, that since the Honourable Chief Secretary has been appointed as representation on Executive Council to ensure the rights to the sister Islands that it may be possible then for Cayman Airways to even make a deal with that side of the portfolio to take over the HAWK-11's and the spares and operate on inter-island service with them, thus allowing Cayman Airways to buy much larger equipment for the use on the international runs.

The sister Islands, Mr. President, although there has been much criticism about the ship-to-shore rail transfer, have obtained much revenue and it has made them enjoy a very buoyant economy in the last two years. Admittedly, Mr. President, there is room for improvements in air service to the sister Islands, but we must consider all of the problems. The minimum for that route has to be one that can service not only Cayman Brac, but also Little Cayman. If we as a Government have a right, and I feel that we do, to supply airservice to Cayman Brac, then although there is only probably 50 people on Little Cayman, we also have a right to supply them with airservice.

To have a larger plane, Mr. President, on that run at the present time, is be uneconomical. During the month of January of this year 88 round trip flights were made from Grand Cayman to Cayman Brac by the Trislander. Out of this amount, if I recall correctly, I think there were 6 occasions where there were no passengers at all brought. Quite a few of the trips had one, two and three passengers and the overall load factor on the Grand Cayman/Cayman Brac/Grand Cayman run worked out at 6.9 persons or just a little over 50%.

Now when we take into consideration the route of the Trislander between Grand Cayman and Cayman Brac, we find that the load factor on the overall route works out to be about 37%. Everyone knows that you cannot operate an aircraft service with a load factor of about 37%. So if we had supplied another aeroplane, or a larger aeroplane - say 30 or 40 passengers, it would have meant Little Cayman would have been without service unless we had bought a small Cessna or something like that to operate between the two Islands, and it would have meant that we would have been running an aircraft Cayman Brac to Grand Cayman with probably 15% load factor. Those are the facts, the figures bear it out and they are available for anyone to see.

HON JAMES M. RUSSELL (CONTINUING): This, Mr. President, even with the trailer is a lousy route. I admit and I am sorry that the Truluader does not have a toilet, but it is impossible to equip it with one and as I see with the economy of the thing it will have to continue until such time as the airport can be opened to jet aircraft. I sympathize fully with any Member or any person who is inconvenienced because of the discomforts supplied by the Truluader, but, Mr. President, what I have said are the facts about the matter and there is nothing that I can do about it at this time.

I feel that in view of what has been said about constitutional change, that I should sound a note of warning concerning the present political situation in the Mother Country. Although we cannot effect the outcome, we must be watchful of its effects on our people.

Mr. President, I am proud to know that the new issue of the Cayman Islands currency will be carrying a picture on one side of it of a scene depicting the national festival. I feel certain that it will be accepted by the local people as well as the foreigners and that there will be no addition to the Member's fears that it will cheapen the status of us as a financial community in that it will be looked on as monopoly money. The Third Elected Member from West Bay who bemoaned this fact should not worry about it - he should not worry about the private currency carrying a picture of Pension week, today he is one of the owners of the private boat.

The improved development has increased the use of our docking facilities and it has made it a revenue earner for Government. Without it development would not have been able to proceed as rapidly as it has. We can credit it with, Mr. President, but we must also look at the other fact about it and that when that development was going on it was done with reserve money - it was not done from general revenue as we are trying to do today.

It is gratifying, Mr. President, to know that our local police officers are now being trained here in the Cayman Islands. I feel that the police force has proper leadership and I feel with that proper leadership we can look with pride on the police force in the years to come. For many years I personally have advocated a plan for a called police core utilizing the services of the teenagers. I am very pleased to know that it is being considered and is being implemented. I would however, Mr. President, support a proper study dealing with the traffic problem and I would also like to see increased activity in the marine patrol sector. I support fully the words echoed in this Chamber by the Honourable Third Elected Members from West Bay in regards to the use of radar. I feel it could help tremendously with our continuing struggle on the drug programme.

Mr. President, with your permission I will yield and be back at two thirty, God's willing.

HOUSE ADJOURNED AT 12:45 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. JAMES H. ROONEY (continued):

This year we look forward to implementing the Civil Registration System. We have encountered problems in getting this to go forward. Some countries of the world would like to plan this method of income to small countries such as ours. It is regrettable that this system was not put into effect years ago, because if it had been we would have had time behind us, we would have had quite an over registry by this time, and it would have been very hard to have it stopped. We also have, this year, to expand the aircraft maintenance and this, too, should be profitable to the Government and should prove a very good revenue earner for the future.

We have engineered to the point where shortly we will be opening our new prison. This has taken some time to build but I am hopeful that when it becomes operational it will fill the need for which it was built and that we will have a meaningful system of work and rehabilitation for the people who occupy it. It is a truth that there are problems in our medical services. But they were not created by this Administration. Those problems had been there for a long time as they are inherited problems which have been inherited and which have been neglected for many years. Everyone is familiar with the system under which we work and the blame for this should not be thrown at the feet of this Administration because it is difficult to control something when you do not really have the say in how it is to be done. Members know that the medical services here are a part of the Civil Service and is controlled by the Public Service Commission. So, regardless of how much the Minister may want to change things, sometimes it can be very disappointing and a very hard task in order to change it.

I feel that the past four years have seen quite a forward step taken in regards to the Medical Services and as records by the Public Health Section. This Department accounts for a very large part of Government's expenditure, and correspondingly, there is very little income derived from this Department. This Department is mainly subsidized by Government for the good of the people. This year we will be following the plan that has been set for further expansion to the medical facilities, but the way in which it now operates it is an difficult to get that going as it would be to drive a limited mile up the side of a hill. I imagine that some very frustrating time are ahead by the Member that is in charge of this portfolio. I actually sympathize with him in some of the problems that may be faced there.

The cost of overseas medical care was touched on in the debate and this figure has been increased to a fairly large amount, but when we look at this we must realize that it is for the good of the people of the Country and the people who cannot afford to pay the medical bills themselves. Going abroad for medical attention can be a very expensive trip and if it was not that Government was not able to take care of this there would be a lot of our people that would suffer. Today we have all kinds of illnesses being diagnosed and it is no different here than it is in other countries. These illnesses cannot be treated with the facilities that we have, therefore it means that the people must go abroad or suffer.

Also, the Members, I am sure, are aware that medical benefits have been broadened to widow to take in the retired Civil Servants and their dependents and many times the expenses incurred in this area have been incurred because of the Civil Service members that have had to go abroad - a lot of them retired - to seek medical attention. We are all quite aware that we live in an age where the older people in the community are not taken care of by their families in the manner they were years ago. In many cases their family is not fit, willing and able to bear these expenses as they must be borne by someone. These people have contributed the best and the best of their life in bringing this Country forward to the point where it is today and why should they, in their

HON. JAMES M. SINCLAIR (CONTINUING): ...declining years in Canada to do without adequate medical attention. I support this programme one hundred percent and if it took one million dollars out of our revenue to support more of this nature I would gladly vote for it. I feel it is very beneficial and it is money well spent.

There has also been steady expansion and improvement of our educational system. Much of this has been done under this Administration. I feel that we can look back with pride on the expansion of the Educational System in this Country in the past four years. It is sorry to fault it but very difficult to improve on it. The private schools have played a very large part in the Educational System of these islands. This has been done from the time we ever knew a School System in this country. The Educational System in this Country was not put forward at the beginning by Government, it was done by the Churches and they carried the responsibility. So it is difficult for me to listen to criticism on this point in regards to the grant to private schools. That grant this year is only one hundred thousand dollars and I feel it is money well spent. If Government had to improve the infrastructure in addition to what they have now to cope with the kids who are in the private schools you would find that we would be talking about a lot more money here today than a hundred thousand dollars. I feel that we should be proud to know that this Government is in the position that it can assist them and it is another area which I personally would vote for an increase.

The Third Elected Member for West End in his debate, said it was disturbing to see children with four or more 'O' levels remaining static. It is rewarding to note that we do have children today that are getting four 'O' levels. He said that the school system has a medicore approach and that students given scholarships cannot come and return home. Fellow members, I contend that his opinion of this is wrong because a child who has been through school for several years and who has gotten to his point where he has four 'O' levels to his credit, and the avenue of taking that child to what else has been known by the Government, I think it is then time that that child grasps the full meaning of life and realize that life is not just an endless dream. It is that point Government has enabled that child with a silver spoon and I feel it is time for them to grasp it and make a golden spoon out of it and feed himself. I do not find anything in that that disturbs me.

A young person who at the age of eighteen has not begun to realize that life does not owe him a living or the Country does not owe him a living, that he has to contribute something to the country and something to himself, I think at that point he is really on the wrong path. That would disturb me but not the point that he does not know what to do with the four 'O' levels.

It is inevitable, Mr. President, that in the next year we have seen the United States of America enact Legislation which has brought the Turtle Farm inevitably to its end. It is difficult to comprehend the approach taken this subject. I would hope that we may be able to convince the new Administration in Washington to assist us in this problem but I look on it in this way, Mr. President. The Turtle Farm was an economic gain to this Country in many respects it provided much labour, and the people who invested it, I imagine, have lost a lot of money. If they had faith in this Country to the point that they were willing to back with the amount of money I understand has been put into that project, I feel that it is incumbent on this Government at this point in assist them with financial aid to a small extent to at least continue the Research Programme. I feel that that should not come to an end.

HON. JAMES M. BODDEN (CONTINUING):

The present Government will support Agricultural development and has put forward plans on this. The Member in charge of that Portfolio is working very hard to ensure success. He has presented in the Budget, plans for an Experimental Farm. I feel that this again could be very helpful to our people. They need guidance in this respect. I would hope that in the years to come more and more people will make use of the Agricultural and Industrial Loan Project which has been set up by that Portfolio.

The money is at an interest rate which is much lower than it would be gotten in the private sector, and the overall terms are much easier and I know that one and all will realize that agriculture can be carried out in this Island although probably not on the scale you would do so in one of the developed countries. I am thankful again to see that there are local people who have stayed in the Country and who have stayed in the agricultural side of it to the point where they have expanded their farms to bring Cayman Poultry Farm into local ownership. I wish them success.

The Third Elected Member from West Bay, in his debate said that M.P.C.U. has an area where planning rather than chaos in the days had set off. I doubt, Mr. President, that the success of this unit has been due to the amount of wisdom and attention and plans that may have been submitted by the Government that was in force at that date. I would rather say that the success of this comes from the leadership which it has received over the years. But be that as it may, we do owe a great vote of thanks to M.P.C.U. because as one Member said, "if we had the mosquitoes like we had them years ago, none of us would be able to boast of development in this Country in the manner it is today".

A very efficient Fire Department, Mr. President, is our Honorable Fire Service and Aerodrome Fire Service. Credit is due to the local man who is the chief of that Department and I am pleased to state that the capabilities of this Department will be further upgraded in 1991.

Public Works Department has done a very efficient job in 1990. In the year 1991 we will be asking them to undertake a more difficult and harder load than the one they carried in 1990, but I am quite confident that it will rise to the occasion and that it will be able to accomplish the task that we have set for it.

The National Council of Social Services can be justifiably proud of the commendable work it is doing in so many areas of our society. The response to appeals by local people and visitors to the Island has been sensational and the Memorial which was erected last year to our seamen who lost their lives at sea has touched the heart of most Caymanians. It is a fitting tribute that should have been made.

The Civil Aviation Department, now headed by a Caymanian, overcame many problems in 1990. We had, for instance, a 29.5 percent increase in aircraft movement at Owen Roberts Airport. During this time we carried out a project involving the lengthening of Owen Roberts Airport as well as the one in Cayman Brac. Shortly we will be installing new runway lighting at this airport here as well as in Cayman Brac. We will have to put in more additional electronic equipment. This year we plan to commence construction on the new airport terminal. This is something that is badly needed to cope with the large amount of traffic that we have today. I am hopeful that it can start this year and be finished by the end of 1992.

HON. JAMES M. DODDER (CONTINUING):

We have also at this point reached a stage in development in where we are in control of a certain amount of our air space. This was done in negotiations which took place last year.

A priority of this Government has been the training of our people in many sectors of the economy. I am hopeful that people will realize the value of further training and will take advantage of it this coming year so that in turn they may be able to take their rightful places in the community. Training continues at the Maritime School, the Hotel & Industry School, the Building Trade School and the Community College. Our aim has been from the beginning of this administration to bring more local people into top paying jobs including those type of job in the financial community. We do not ascribe, Mr. President, to the belief expressed by the Third Elected Member from West Bay that the Caymanians suitable for training did not and do not exist. I am quite confident that the Caymanian, by in large, given an equal opportunity can accomplish anything that a person from any other country can accomplish. The Country as a whole, with its history, owes a lot to the heritage which has been handed down from our forefathers as merchant seamen. This has been known as a very hard and trying occupation. I would say that it has made men of steel out of the men who followed this line of work.

Immigration and the Caymanian Protection Board policies have come in for a lot of criticism. There is need in our Country at this time for people, our people as a whole, including the youngsters who are entering the work market, to develop a new work ethic and a new approach towards their work. Whether the person be a ditch digger or a bank manager, his work should be approached with zeal so that at the end of the day he can look back and truthfully say "I have done my best, no one could have done it better". There is great satisfaction in being able to say that. Unfortunately, a lot of people in our Country today are not ascribing to that.

We have a fair amount of people in this Country who complain that the Island is being flooded with foreigners and their jobs taken away, but when we look at it we find that most of those people who complain in that way are people who will never amount a job: they will never work: they will never shoulder their responsibility to themselves, their family and their Country. The Caymian Labour force could be reduced if these people would face up to this fact. I pity the person who does not work. To must have a very aimless, unfulfilled existence. It is gratifying to know that there are less non-Caymanians in the work force at the present time than previously, according to the statistics that have been available.

The Immigration Department in its reports to Government, as of November 31, 1981, stated that there were approximately fifteen hundred and ninety-three people in the Country with Gainful Occupation Licenses. This amount constitutes the bone which it is difficult to get away from. We know that that many people are needed in order to keep the economy functioning therefore that amount will be allowed to replace or remain, subject to certain restrictions. In addition to that we have allowed and set a quota for 1982 of three hundred and twenty additional people, broken down into certain geographical areas from which we would like to see them come and this figure does not, as in the past, include the dependants. Trying to work in this manner has brought confusion in the most: to say that we were allowing 320 work permits and to take the work permits as well as the dependants out of that amount, we found that we would have to be continually changing the figure. But considering that on the average year from 300 to 350 youngsters come out of school and enter the job market, considering that some of them will go on to some form

HON. JAMES M. BODDEN (CONTINUING): of higher education, coupling this with the amount that will be allowed in the labour force coupled with the economic growth of this Country, should be able to increase at about 10 percent this year.

I find it difficult to believe that the Third Elected Member from West Bay could criticize Immigration when we when the first of the large amount of people that were allowed into this Country in '75 and '76, and no control was exercised over these people or the amount of them or the geographic area that they came from. In 1976 from one geographic area there were roughly 500 people allowed into this Country including the workers and their dependants. When we look at the results of the Census today we can see what has happened, we can see why it gives concern for the future.

These people in our community who deserve Caymanian status do and will receive it but it will not be handed out indiscriminately and length of ten years in this Country is not the only criteria by which this is judged. When decisions have to be made to refuse and send someone away the burden weighs heavily on our shoulders. It is not a matter that can be easily dealt with but when we accepted the responsibility to represent this Country we had to also accept that. So I would like each and every one of you to know that people are not refused Caymanian status just because it is wish to say "Caymanian status to these or four people". Much more thought has to go into it than that.

During this year, due to the many complexities that we are faced with in the labour market, un-social labour legislation will have to be presented to this House. It will take the form of several Bills and I, like the Third Elected Member for West Bay, hope that we will be able to embark along with that some type of pension scheme for the people of this Country so that they can ease the burden of the retirement years. I personally wish that it was possible to present legislation to this House that would tell us a way in which we can make the people of our Country work the people to whom I alluded earlier ago, who like the fresh breeze and the Caribbean and sit on them day after day doing nothing.

The lady Member from George Town, in her debate, said that condominiums were not proper accommodations for tourists as do not meet them and construction should be curtailed. Members of this House, Mr. President, a statement of that sort worries me. It worries me to think that we have people in the community today who are thinking this way. Let us examine a few of the many benefits that accrue to the people and the Country as a whole and explode this ridiculous myth.

On an average, probably two hundred new condominiums are being completed annually. This means that about 500 people out of the approximately 800,000 which will arrive this year will have great faith in our stability and with their friends will invest. They assure, Mr. President, that about fifteen hundred people per annum will continue to return to this Island and will promote the Cayman Islands to their friends and associates. It makes life that much easier for us. These people are mostly people of affluent means who do not impose a strain on Government. Some of them use their means to sponsor many of our worthy local causes and assist the less fortunate in our community.

Building these condominiums creates many well paying jobs, the importation of the products to build and the products they will use, increases the revenue to the airline and the shipping companies. It increases Departure Tax, Environment Import Duty paid, increases the revenue from the Port, the truckers make money out of it, the banks, the car rental firms, the drug stores, the duty free stores, the supermarkets, the whole business that derive benefit from this.

HON JAMES M. BODDEN (CONTINUED): Surely every apartment that is built will mean that some Caymanian or some worker will have a job. Most of all, Mr. President, the average direct revenue to Government on the sale of a condominium unit represents an import duty and stamp tax about $23,000 (US). This I contend, Mr. President, is better that the Saudi Arabian oil wells are to the Saudi Arabian Government.

If we compare the average condominium apartment in this country to a hotel room, one will readily see why most people prefer to stay in the condominiums. Tourist statistics have shown that the average condominium visitor, his length of stay is close to 7 days compared to an hotel stay of 4.4 days. I would say the day that anyone would be foolish enough to stop this type of growth in our country. Government readily understands the need for more hotel rooms - we actively support the building of hotels. We do all within our power to attract investors to build hotels, but it is not easy to attract hotel developments as a developer takes a long time to get his money returned to him, plus the fact that at the present time interest rates are very high.

The hotels and the condominiums, both play an important part in our society. I say that we should support both. If we did not have the condominium rooms available, it would mean that we would not have the expanding tourism that we do. If anyone in the future should say that condominium buildings should be stopped and that they are not proper accommodations and we do not need them, they should step and take another look at the revenue for one that Government derives from it and if they still be foolish enough to persist in the feeling that this development is not needed, then we should say unto such a person, "get thee behind me Satan".

We all recognise that tourism is a fickle product and that we have to keep up to date with the market trends. In recognition of this, the Government has commissioned the firm of Kowell and Lowenthall in Miami to prepare us a 5 year tourism study and a feasibility programme for an up to date modern hotel. This is very important that we keep on the right foot because tourism is as important to this country as jet fuel is to an aircraft. If this country was to lose out on tourism, the economy would go dead. If the aircraft does not have fuel, it do not point to get off the ground. It is what makes our economy run and provides jobs for our people. It is the most important industry in our economy because all people from all walks of life, from the highest in status to the lowest, benefit from it and I will venture to say, Mr. President, that no country in the world today is experiencing the personal wealth we are out of such high quality. We have to be continuously vigilant and adjust to the market trends that affect this industry.

We are now beginning to make a determined approach into the European market, Europe itself and the U.K.. The results from these promotions should soon be evident on the retail.

The Third Elected Member from West Bay in his debate placed a query before the House - he wondered whether the amount of money spent by the average tourist since 1976 had increased. Discounting the quality of the average tourist which we have now opt to compare it with 1976, even he should know that the cost would have increased, because inflation and the other economic have played their toll on this sector also.

A simple survey conducted last year shows the average tourist during his stay spends over US$1000. Assuming that to be correct, this means that last year tourism expenditure locally amounted for approximately US$36m into the economy.

The same Member lamented the fact that in 1970 the average tourist cost CI$5.48 to promote. In 1980 it cost, according to his figures, $11.33 or a little more than double. I would have to ask, is he not aware of rising costs in every sector of life in this community? I am sure, Mr. President, that the price of cement in 1980 was more than double what it was in 1970.

HON JAMES M. DOBSON (CONTINUING): So it is difficult to understand his reasoning on this point. In 1970 there were 23,000 tourist arrivals compared to approximately 120,000 in 1980, an increase of not 400%, but an increase of 795%. I would have thought that he would not have forgotten his percentage tables which my colleague and myself taught to him between 1972 and 1976.

MR. BENSON O. EVANS: On a point of explanation, Mr. President, my calculations were based on air arrivals, we did not count numbers in 1972.

HON JAMES M. DOBSON (CONTINUING): Mr. President, it does not make much difference whether we bring them on a jetplane or a rollcoat, they are still tourists.

In 1970 CI$126,000 was spent on tourism promotion. In 1980 $1,441,792 was spent on an increase, Mr. President, of 1,120%. In 1970 the Cayman Islands Government collected $73,000 (CI) in tourist accommodation tax and in 1980 it collected $524,000 (CI) from the same source - an increase of 718%. In 1970 the Cayman Islands Government collected on travel tax $30,000 (CI) and in 1980 $500,000 (CI) - an increase of 1,500%. Expenditure on tourism promotion in the decade increased 1,100% - the meagre direct revenue to Government over the same period from tourist accommodation tax and travel tax was 1,066%. When these figures are analysed in this manner, one can easily see the empty attack that was put forward by the Member, but I would like to say before leaving this subject that of six years of that decade included six years for which the Member and his group were responsible.

In 1981 the overall cost to the Department of Tourism for promotion of the average tourist will be $8.34 (CI). If we take the average cost for tourist on our advertising cost alone, we will find that the cost is $1.36 (CI) per tourist. If we take the average cost of advertising and public promotion it is $3.10 (CI). After showing the differences of these figures, I am sure that the Member who spoke on this will be more than pleased to double the budget that I am asking for. But in all seriousness, Mr. President, it will cost us in 1981 $8.34 (CI) for every tourist arrival. We all know the benefits that the country as a whole derives from tourism, so I will ask the House at this point to consider how many people they want us to buy in 1981.

The same Member said that if we added the other expenses, such as the extension to the runway, contribution to C.A.L., the cost goes through the ceiling. I can only say that in uttering words like this he must have been doing it because he liked the sound of his voice. Because I am sure he did not forget the revenue which is derived from other areas and overall benefits that the country as a whole gets from tourism. He also stated that 60% or more of air arrivals come for business. If that is so then we should really take another look at our expenditure and agree to at least double the budget for this year because that type of visitor is the one we are trying to promote - they are the ones that bring more benefit to the country.

We questioned what good is derived from local news releases and with some of them having political slant. I would only have to wonder what would have come from the administration that he was into between 1972 and 1976 if they had started a proper public relations plan for the Island. He also wanted to know what is being done to ensure the quality of hotel rooms. I would like to assure him that there is an ongoing programme by the Department of Tourism in this respect. Control is exercised through the Public Health Department, Liquor Licensing Board and Hotel Licensing Board and they have been dealt with very fastidiously to the point that some have been even closed because they did not comply with these laws.

HON. JAMES M. BODDEN (CONTINUING): At this point, Mr. President, I would like to compliment some of the members of my staff. The efficiency has increased tremendously and the Department is operating on a professional basis.

Mr. President, this administration realising that a problem exists with the lack of land housing has begun to face up to this problem and as usual we are doing it by action rather than empty words. I am very pleased that you saw fit to make this a part of my portfolio. The plan of attack is as follows.

A committee with some members from the private sector has been set up. It is hoped that eventually this will become a housing authority with Government houses vested in this. It is also hoped that during the year 1981 Government will commence a building programme for itself and then Government will no longer need to rent homes from the private sector. This will relieve the current housing problem.

The present so called low cost housing is inadequate in many respects and not socially acceptable. The limit lent is around $15,000 (CI) and all of us are aware of the rising costs in the Island and know that nothing suitable can be built with $15,000 (CI). Therefore we have approached Caribbean Development Bank and we hope to get the limit raised to $30,000 or $40,000. With this amount of money, the average person can then build a decent home and we will not be doing what has been done in other countries, cheating the plan and making a smaller one.

For the middle income people we are presenting in this Session an amendment to the Development and Planning Law and the results of this will be a form, a scheme of money into the authority so the persons can opt to build their home themselves. This will be for people in the income probably up to $20,000 per year. Anyone in a category above that, like the Honourable opposition Leader from West Bay, we will not worry at all about it.

MR. PRESIDENT: I do not think that remark should be made.

HON JOHN M. BODDEN (CONTINUING): This amendment will permit accommodation development to assist by building homes at a cost that the local person can bear. It is up to us in Government at that point to find a means of long term money that will be available. But we are confident that once the full programme is reported and presented to the people, that the financial community as well as the developers will accept this as their contribution to living in this society.

I wish to think the support that was given to Cayman Airways. There is no doubt that Cayman Airways must continue. The whole reasoning and formation of Cayman Airways is to ensure that our country is not dependent on the whims and fancies of the airline industry from any other country.

The Third Elected Member from West Bay has found some fault with C.A.L. and he said that as of late, middles has played too big a part and economic reality not taken into account. If these words were to apply, Mr. President, I would have to say that quotation might at his own feet. If middles played a part in Cayman Airways, it not only did it then since the formation of the new Cayman Airways in 1977, but it certainly must have played it a long time before that. If that made a statement that the unsuspecting person in the Cayman Islands has been misled about the financial condition and that Government has to contribute money for expenses and that his people will be disturbed due to the rosy picture painted from the Legislative Assembly. We hope that results from the committee and the debate will find some forward planning as it has had none since 1970 and that I said in 1976, when presented with the audited accounts, that I saw clear skies, most of the storms cast behind us and the pleasure should be ours as we can have the financial ones.

HON. JAMES M. MILLAM (CONTINUING): I would hope that Cayman Airways could be dealt with in a different manner than being a political football. It is a national problem and we must realize the benefits that accrue to the community by Cayman Airways. There is a lot of money that goes into the local economy from the people who work for Cayman Airways. I believe very strongly in politics and the multi-party, but I do not believe in using it to the detriment of the country.

The cost of operating and building Radio Cayman from its inception has been about eleven times its income - remembering that was all money put out and not money that was borrowed. Yet it is mentioned that it should be supported for the good to the country and I agree with that. Well I say that we should weigh the benefits of Cayman Airways against the benefits to the Radio and see which deserves support. I hear no complaint or no political football being played with the Radio and I wonder why again, in asking, that Cayman Airways cannot be looked on in the same manner?

We had a problem to face in 1977 with Cayman Airways and it was either that this country would have an airline or we would be beholding to someone else. I will be the first to admit that we knew nothing about an airline, yet we faced the problems squarely made our decisions which we hoped were for the benefit of the country. I am not about to tell anyone that every decision or every move made was correct. We would be more than human if we did not make mistakes. But I can say that much has been accomplished from such small beginnings and I am quite confident that history will prove the right move was made. I personally have no apologies to make in regards to anything I have done in connection with it. I feel I have made the right decisions.

There are several problems with Cayman Airways. One is the high rate of interest which no one could foresee four years ago, the ever increasing fuel cost and labour cost and mainly the under-capitalization of Cayman Airways. When the break was made with Eagle and Cayman Airways became wholly owned by this Government, the shares in that company at that point were worth approximately $35,000. Yet we had been the custom in the past, no one had questioned it however even if you questioned it you could find out nothing about it. This is a funny thing that Cayman Airways is treated in the manner in which it is now - that everything that is done, every roll of toilet paper that is bought is thrown from one struck corner to the next. When in the days past, when we were in association with Eagle, we would not even from this Assembly ask any questions about its activity. I think it is a very unfair approach towards the matter.

You must remember that when this company started in 1977, with the share capital value depleted to about $35,000 on the strength of that $10m (US) were borrowed for aeroplanes and the spares. That is an unheard of ratio in borrowing and it could only have been done because it had Government backing.

Everyone of you who is familiar with business would know that that is a most ridiculous impossible. To think that borrowing three hundred times your paid up capital, you can service the debt and still make a profit - even if the interest rates were low - even if labour was low - even if fuel costs were low, it would be a monumental task.

I do not believe that Caymanians will be disturbed because Government has had and will have to support it financially. Government has done that in the past to many things, not just Cayman Airways, and things that are not high in the important part in your development as this is. It has been public knowledge for a long time that Cayman Airways was not profitable and if we examine the airline industry we will easily find that in the year 1980 in the United States of America who are known for its efficiency, there was only one airline that showed a profit,

HON JAMES M. BODDEN (CONTINUING): The Third Elected Member from West Bay goes on by saying that the Finance Committee will be dealing with this and that he hoped the advisor would be able to bring some forward planning and that a careful scrutiny is given to all areas of the company's operations. He or anyone else is quite at liberty to do that, Mr. President, because there is nothing in Cayman Airways to hide from him or anyone else. But he also knows that when the committee was seated in the committee room, that I was one of the Members who right off said, yes, it is a good idea, I support it and we should do it. But I am confident that when his advisor comes in he will not be able to do much more than we have done because I believe everything that can be done to lay business restraints and control this activity has been done with the exception of a few areas. So I feel quite confident that the airline advisor that is brought in is not going to find all that much wrong.

One Member said that the airline must be run so effectively that we know in advance what it will cost and let us not drain the Treasury to keep the airline. All of this is easier said than done. All the forward planning that the Third Elected Member from West Bay would like to put into effect, will not control some of the day-to-day problems which are inherent in the airline business. I have worked personally very diligently on Cayman Airways problems - many hours late in the night But I am confident that Cayman Airways will one day be a success. I know the headaches and I know the heartaches that are attendant with the problems in bringing it to the point it is today. But, I am also confident, Mr. President, and I do not hesitate to say that, that no man in the Cayman Islands, including the Honourable Third Elected Member from West Bay, could have done any better than what has been done. I can hold my head high, Sir. I have nothing to be ashamed of - I have done everything within my power to make Cayman Airways successful as it could be.

Some men, Honourable Members, are born great - some achieve greatness and some have it thrust upon them. During the debates and question time and so forth that has gone on since this Honourable House began the session, there was a vicious attack made on the wages paid to Executive Council Members by the First Elected Member from Cayman Brac. He asked why was the increase to Executive Council not thought of before 1988 election. He said it was the policy of the last Government not to gouge the people. Why have they found it necessary for such an increase and how can they justify it? This constitutes a 53.8% increase - who authorised it and who asked for it?

MR. PRESIDENT: On point of order, the word vicious is unparliamentary according to Erskine May.

HON JAMES M. BODDEN (CONTINUING): Well if it was, although Sir, well unkind attack, I consider this unkind attack unwarranted. If Government had to pay for our contribution to the country in what we have tried to do, they would be paying - they would have a lot more than this to pay. There are none of us that are working for the glory or the money in it, but with the belief that we can accomplish something for our children and grandchildren.

The three Members on this side of the House have acted with that same approach as the Member who made this attack. Each of us have our own professions and if we had worked on it as many hours as we do on Government business, Government would be paying us a lot more - right on the times what they are paying us now if they were going to pay for the value received.

I can be a very much person because I was never a rich man in one sense and I was not born to it, but God did bless me with a lot of determination, ability, common sense and the ability to work long hours.

The Member in making this statement knows, quite well, that I was the person who approached my other three colleagues after the 1988 election and said to them we would freeze the wages of Executive Council at what it was then and I think that figure was $917 a month. We did that and the Elected Exco Members, the four of us did not get the three raises, I think that has been given since then, neither did we

HON JAMES M. BODDEN (CONTINUING): ...there is the salary review. As far as I am aware these are the things that would go to make up the difference in this. They are the raises which are granted to all the other Civil Servants as well as the member of salary. We know that to say we greased the Government, and I consider that an unparliamentary word if there be, was an unfair accusation. I would rather think this was a slip of the tongue than an act of the brain. We know quite well the amount of money that was given up, not just by him, but by the four of us in the years 1976 and 1980. We also know that as a Legislative Assembly Member since 1972, I have never taken my salary for my use.

But, 1981 presented different problems - there was a different approach to the entire matter and I am prepared to tell this House, Mr. President, and you can tell them whether I am lying or not, that I was the man who approached you and gave you my reasoning for why I thought the raises should be brought up to date. I have no apologies to make for doing this. I took that in the same manner as I suggested in 1976 that we freeze the wages and I would do it again. Everyone is quite aware that regardless of what an Exco Member is paid, that that Exco Member would be a lucky man if he could say that more than a half of it was his. It just happens that people expect a different way of life, I would say, out of us and the way that we are asked to contribute - I am not talking against it, I am pleased that we can do it - I am pleased that I have done it for many years, but to make the statements from the floor of this House that we were greedy the people and so forth and so on as I have heard, I considered it a blow below the belt.

The year ahead will doubtless present many problems. The seas may become quite stormy, but like any good mariner I have faith though that we can safely ride out the storms. I pledge myself to the programmes presented by our unity group to the people - I pledge my faith and country. We must all be loyal to ourselves and to the country and I would say that during the year 1981, the Boys Home slogan would be a very good one for all of us to adopt, "He is not heavy, he is my brother".

AT 3:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:55 P.M.

HON ORRIS H. FOSTER: Mr. President, I would like to associate myself with those who have congratulated you on the Throne Speech and those that have congratulated the Honourable Financial Secretary on his budget address. Not only were they first class documents, but they were ably presented. The documents are very clearly set out whereby anybody can understand them and understand the economic condition of our nation.

Mr. President, I want to say a few words on subjects under my portfolio and to defend a few remarks that were made otherwise. First of all, Sir, Cayman Brac and Little Cayman. I hope that after four years you will feel justified in having transferred to me the responsibility of local administration. I promise you, Sir, that I will do everything possible to fulfill my obligations there.

I also would like to assure the two Members from the Brac that they have my full support and they have access to me at any time and together we will see that the Brac people are satisfied. I also thank the other Members of Exco who have said that I have their support on their matters.

So, Sir, with the two able Members, myself and the support from the rest of the Executive Council, I think we should have a very prosperous four years in the Brac and Little Cayman.

HON DENNIS M. FOSTER (CONTINUING): In regard to constitutional changes, Sir, there are advantages and disadvantages. But many Members have said or have voiced their opinion if you had to touch the constitution for that purpose there are many other things that need to be cleared up and I am much afraid, Sir, that if we touch it we would be opening up a can of worms. I would strongly suggest, and I am basing this suggestion on the opinions that have been voiced here in this House during this debate, that it might well be better for us to work together and watch the situation for quite a while yet before this problem is looked. And I think if we do this, we will find out it will not be necessary.

Mr. President, the Brac and Little Cayman have many sound projects going on that money has been voted for and with these going on this year it should be a very successful year for the Brac. The extension of the airport to 5,000 feet will open a different era for the Brac and simultaneously with the development of the port, the two working hand in hand, I think the Brac will see major development in a few years. However, in the meantime the ship-to-shore transfer is the backbone to the economy there now. It is a well run operation and it puts approximately $30,000 to $35,000 a month in the economy there.

With these sound projects, ship-to-ship transfer, which I strongly support and will continue to support because if it has to go it will be sadly missed, I think the Brac people and the Islands as a whole should do very well in the next couple of years.

Mr. President, the Police Force, I feel certain that we are on the right track as far as the police force is concerned. It is headed by a very capable person and as given chance I am sure that reserves will be forthcoming. Rome was not built in a day, Sir, and it takes time to recruit, train and start to see results.

Mr. President, the Honourable Second Member from George Town stated that she was concerned with the drug problem in the Cayman Islands. Well, Sir, during the last six months a considerable effort has been made by the police force which has met with considerable success. Full details have already been issued regarding the joint operation with other agencies in the Caribbean and the United States. What is involved and the result of the operation? The following facts show the success met during 1980.

With 49 persons being made, of which 31 were residents and 18 visitors, 43 persons were convicted and only 3 acquitted. Some cases were not proceeded with and 3 cases were pending at the time of preparing these figures. Nearly two million grams of drugs were seized of a street value of about $10,000 and the Cayman Islands Treasury benefitted to the tune of $13,000 from court fines and the confiscation of funds paid.

The United States Drug Enforcement Agency recognised as the world experts in drug enforcement matters, have been working in conjunction with the Cayman Islands Police Force and from their last two operations previously the Cayman Islands, officially stated that police measures in the Cayman Islands were extremely effective and were directly responsible for the success of enforcement.

So, Mr. President, I would like to assure the Lady Member that the Police Force is doing everything in its power to solve the drug problem.

A Member further made mention of a dreamer's dream and comments made by a taxi driver in Miami regarding the possible outcome. Mr. President, such comments are usual in the United States where it is harder to obtain a conviction than it is in the Cayman Islands, but such comments must be supported by facts which will enable enquiries to be made. It is fully recognised by the Legal Department and the police that a conviction may not be possible due to the lack of positive evidence and technical problems, but nevertheless it was decided to present the facts known to the court in order that both the court and the community were aware of the circumstances and despite a not guilty plea being recorded, valuable information was disclosed and certain persons were subsequently declared prohibited immigrants. As a matter of fact, Sir, four of them.

HON DENNIS H. FOSTER (CONTINUED): So, Sir, the Police Force on the Police Department is trying their uttermost. For instance I think the Government made a very wise decision when it decided to put out that sort of money on our own long term prison and we have started off on the right foot by recruiting proper staff and getting the buildings workable and I am sure later on we will be thankful that we did approach the matter in the fashion that we have done.

Broadcasting, Sir. The Radio Cayman which is owned and operated by Government has not been doing too badly in my opinion, of course like every other Government department, it is widely open to criticism. Earnings in 1980 were up 40% over earnings in 1979. Earnings in January 1981 are up 100% over earnings in January 1980. So, Sir, the projected forecast is that the station will cover its re-current expenditures in total in 1981. We also plan to do more local programming, but I will not tell you much about them. I will leave you to listen to them.

Mr. President, the Lady Member said she got no election coverage except in what she paid for. I am sorry about that, Sir, but political announcements that were carried, were without charge to all the politicians - they were free and what Radio Cayman tried to do was to give the 31 candidates each one coverage and I have here in my possession, verbatim, the coverage that was given to the Lady Member. I am not going to waste the time of this House, Sir, to read it, but I will give it to the Lady Member afterwards.

The First Elected Member from West Bay also criticised Radio Cayman for wrongly carrying an incident at West Bay. Mr. President, I also have verbatim how it was announced, the incident there, and this is how it was received from the police, Sir.

Immigration. I agree with you, Sir, it has been a hard year and I would like to say in so many that there is never going be an easy year as far as Immigration is concerned because Immigration, unlike other departments, does not stay at one level. We have seen an increase of 22.6% in the movement of aircraft to the airport, totalling 10,279 in 1980. Everytime you have an increase in the aircraft or shipping, this means more work for the Immigration Department. As a result that Department will have to be constantly upgraded to cope with the situation. At present, Sir, we have an adviser here now who will shortly be giving us his report and I feel certain he will be asking for a few more staff for the Department and at this time I ask the Members, when it comes before them, to support it.

The Civil Service, Mr. President. It was pleasing to me to hear the comments from many of the speakers of the House and although they have given me a lot of trouble myself, I still have to congratulate them and speak well of the nature of their work that they have done over this last year. They have definitely done better and worked much harder and their increase in salary, I think, is due them, Sir. I think the First Elected Member of East mentioned the problem with Mr Jones, but just quickly let me say it was either that we transfer him or we would lose him completely - so as to keep him in the Service we transferred him.

Mr. President, the Legal Department - I could not stand up here without expressing my gratitude to the Honourable Attorney General and his staff for the legal guidance that they have given us throughout the year, plus all of the extra work of drafting laws and so on, many times at short notice, and I would say to him, "Well done, Sir".

Health Services, Sir. I think, that this Island, or the people of Grand Cayman, should be grateful for the medical services that they have. I do not think they are going to find medical services, in any territory of this size and with the size of our population, any better than what they are provided with here. Of course a sick person is hard to please anyhow, Sir, but you go abroad to any institution and you have an 11:00 o'clock appointment - surely you will have wait until nearly 12:00 o'clock before you get it. I think if our people would stop complaining and start appreciation, we would be much further ahead.

HON DENNIS K. FOSTER (CONTINUED): Now, Mr. President, I come to a section of the speech that you termed the challenge of rapid economic expansion and Mr. President I think that is the most important section in the whole thing. And I think airport, water and seamen should be our priorities. The airport terminal, Sir, is badly needed - at times you can see when three aircraft are virtually there together - you can see people standing in the terrace in the between and I would say it would be a waste to spend any more money on the present terminal Building - it is shrouding a good one at a bad one. I think we should follow up on the new terminal as quickly as we can this year.

Water and seamen are most important. Right now there is little or no rain water in Grand Cayman. Everybody is nearly out and the desal plant is only partially in operation - it can just barely supply the hotel facilities that are hooked up to it and if anything today, or this evening, was to happen to the plant in operation, that would be it. I think it is something that we have got to go into very deeply and very quickly, coupled with seamen. If we do not, Sir, we are going to find ourselves in great difficulties and trouble very shortly.

Mr. President, the Fourth Elected Member of Executive Council ably took care and outlined the high rock aggregate company. I am only sorry that the Member from North Side was not present either then or this evening.

Nevertheless, Sir, I would say that the full year ahead of us and with everybody determined to work hard and with us having determined our goals, I think there should be no reason whatsoever in making 1981 a very successful year.

Mr. President, at this time, Sir, I can only pledge myself to Members of this House and Members of Executive Council and yourself, Sir.

Thank you.

HON D. K. HANDICK: Mr. President, the debate has come on now for nearly a week and Honourable Members are more than ready to turn to other business before this House. I promise to delay them for no more than a few minutes.

Firstly, Sir, I must add my voice to those which have already been heard in support of the motion before this House, expressing thanks for the gracious speech from the Throne. I must also join other speakers in congratulating the Honourable Second Official Member on the excellence of his Budget and the lucid way in which he presented it - it was a model of its kind.

The speech from the Throne, Sir, catalogued a number of very real achievements as I feel all preceding speakers acknowledged to a greater or lesser extent. Their speeches covered a wide range of issues - all of them important, some of them fundamental and I do not propose to tread that ground again.

I do feel however, Sir, that the country's problems were well defined - the answers may not be so clear, but with God's continued blessing I think they can be solved for I know the will and the ability to conquer them exists here in this country.

In the speeches I have heard in this debate, Sir, I detect that my elected colleagues, all of whom I sincerely congratulate on their successful in the polls, are relaxing their campaign postures and showing more concern for the tasks ahead and less for the personalities involved. Indeed, some passages in the speeches were statesman-like, as much in what was said as in what was not. To those Honourable Members who were thoughtful and generous enough to pay a tribute to the work of my portfolio, I say 'thank you', and at the same time I give all the assurance that like that virtuous vehicle hire company, we try harder and will continue to do so.

HON D. A. HAMILTON (CONTINUING): The motion before the House, Mr. President, has my unqualified support. I feel privileged to have been present during the debate and to have been able to share in the many wise pronouncements which adorned it.

I thank you.

MR. PRESIDENT: I do not think I will ask the Honourable Financial Secretary to sum up tonight. It is ten minutes before normal time for adjournment and I think we will take that now.

ADJOURNMENT

MOVED BY HON DENNIS E. FOSTER

QUESTION PUT: AGREED. AT 4:20 P.M. THE HOUSE ADJOURNED UNTIL 10:00 O'CLOCK THURSDAY MORNING, 26TH FEBRUARY, 1981.

STATE OPENING AND FIRST MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON THURSDAY, 26TH FEBRUARY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS U FOSTER, MBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON DAVID R BARWICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON VASSEL G JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON HAIG G BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON JOHN B MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

| | |
|---|---|
| MR GARSTON G SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DALMAIN O EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR BENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR NORMAN M BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HULDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MABRY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR CRADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

ORDERS OF THE DAY

(HOUSE SAT)

THURSDAY, 26th NOVEMBER, 1981

CONTINUATION OF DEBATE ON THE THRONE SPEECH AND THE

FINANCIAL STATEMENT.

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THURSDAY, 26th FEBRUARY, 1981

10 a.m.

**MR. PRESIDENT:** Please be seated.
Proceedings are resumed.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND THE FINANCIAL STATEMENT.

**HON. V.C. JOHNSON:** Mr. President, I will endeavour not to address you Mr. Problem, as harnessed by a slip of the tongue of two political rivals as they squared at each other during the debate.

I would like to take this opportunity, Mr. President, to add my share of compliments to the Throne Speech. As one who was involved in the production of a similar document I appreciate the amount of work that is involved, the gathering of information, the writing and the drawing of the document to suit, not only your taste, Mr. President, but the taste of the public by informing them the up-to-date position of the country.

I should think that it is the most sought-after annual presentation of the country as it covers wide areas of activities. I think, Mr. President, it was a great compliment paid to both the Throne Speech and the Budget Address by the First Elected Member for George Town when he said that both addresses should be put in text-book form for the benefit of school children and others.

Mr. President, during the course of preparation of my address I had discussed with my Deputy the possibility of printing the Budget Address. Now with the mention by the First Elected Member of George Town that these should be put into text-book form, I will discuss with you the possibility of putting both the Throne Speech and the Budget Address in a printed form for publication.

I would also like to thank other members for their contribution, their frank comments, also I would say, Mr. President, that the debate, as I listened to it, from every Member, was of a very high standard, and I do not think that any Member here can be ashamed of what he said in this Chamber.

Of course, there was a bit of politics here and there, which was expected.

I would also like to thank the Government Bench for clarifying and putting the records straight on many points raised by other Members. I myself would like to comment on a few points relating to especially my subject and related subjects.

Before I go on to those points, Mr. President, I would like to clarify one thing. The Third Elected Member of Executive Council, speaking yesterday referred to a development plan 1970-1976. Well, I do not think that we had named such a plan. If he is referring to what I mentioned in my budget address this is what I said. "During the review period 1970 onwards Government found it extremely necessary to devise a capital expenditure programme which was known as the 1970-1975 development programme and I have here a copy of the proposal that was put to the Development Unit and brought to the Legislative Assembly for discussion. This document was presented to the Legislature in the Town Hall that was the venue for the Legislative Assembly, and if I can remember well, there are a few Members here today who sat on that Committee. We discussed many projects and we discussed priorities. This building was top priority in the Development Scheme, the Capital Expenditure Programme. The courts building was the next. So this is what we were referring to, Mr. President, this is the guide-line that we used over the period 1970-1975 in the development plan for the Cayman Islands.

Mr. President, many Members spoke on the economy of the country, some wondered about the over-heating of the economy, that is to say, the full-employment situation we are now experiencing, and what appears to be inadequate forward planning and guide-lines. Others based

HON. V.G.JOHNSON (CONTINUING) that the creation of new policies would not deter or slow down activities in certain areas.

Mr.President, while it is obvious that problems do emerge as the economy is activated, Government must present the positive side of the operation, must present it as such to this House and to the public, so as to encourage the continuation of progress through growth and development.

Mr.President, Government is conscious of the problems and is paying due attention to them and treating them as manpower permits. Government does put forward new policies, proposed action, legislation, there are to be determents and remedies to such ills. These are put forward as opposed to just talking about them and telling the world about our problems.

Mr.President, having said that we must keep our ear to the ground and listen to rumblings within the country. Last night developers were speaking to me about the proposed amendment to the Development and Planning Law. They see it as a thin edge of the wedge and they are very concerned about it.

HON.TRUMAN M.DODDEN: Mr.President, on a point of order, if this is a bill that is coming before the House and the Honourable Member at this stage is endeavouring to anticipate it, I do not think he can speak on this now. I mean, this is a bill before the House and if you give me a minute, I think I can find the justification here.

MR.PRESIDENT: I find it very odd that points of order are being taken from the Government side, this is very unusual.

HON.TRUMAN M.DODDEN: Mr.President, the statement being made is very unusual, that is why I am taking it, Sir.

MR.PRESIDENT: From memory, I believe this was mentioned in the course of the Budget debate and the Honourable Member has a perfect right to reply.

HON.V.G.JOHNSON: Mr.President, perhaps the Member should have waited a while to hear what else I was going to say. As a Member of the Government Bench I am bound to support the bill that is coming forward, but what I am trying to tell this House, Mr.President, that perhaps it may be good and do the country justice if we spent a bit of time and look at the bill again even before it receives its first reading.

Mr.President, in a recent publication here an article spoke of the Japanese economy and it referred to it in the old adage "not all that glitters is gold". It told the story of the thriving economy of Japan which was evident only in the front streets of big business, where big business boomed and where the economy was seen to be very buoyant. But the back streets, the lanes and the corners of the country told a different story. In the back streets one could see real need, that area was not so fortunately blessed as the big front street business. The area that was supported strongly by foreign investment and foreign technology.

The back street area too feels the stress of inflation because the vast wealth of the big successful business is not distributed as the inflation produced by the booming front street business.

Mr.President, this two-stream social pattern is not singular to Japan, it is found in all countries of the world and even in communist countries, where social ideology forbids this discrimination between the haves and the have-nots. Even, in those communist countries, you find the Government amassing the wealth of the country and instead of sharing it equally to all as their doctrine dictates, that wealth goes to the support of Government and its top officials who live in

HON. V. C. JOHNSON (CONTINUING:) luxury while the people struggle for existence.

In democratic countries, the two-stream social pattern is found as well. I do not think the Cayman Islands is any exception. But, Mr.President, this two-tier social system is not by ideological design, it is created by the efforts of groups that influence development and which groups fortunately receive a ready portion of the wealth that is generated. It is during the process of this development that ills, which were referred to by Honourable Members amongst them affect some and the stream that leads perhaps to the less fortunate.

Mr.President, while the ills in our case might not affect the Cayman Islands greatly at present, largely because of our full employment situation which is enjoyed by all, the presence of these ills or their existence or possible introduction is going to be of concern to some people. This is why the Government has commissioned a tourism study, this is why the Government is continuously investigating the water and sewage problem, and this is why the Government is tackling the housing problem this year.

Mr.President, the Third Elected Lady Member for George Town warned of inherent danger in too much spending in one year, referring to the budget of $40M in 1991 against $25M in 1990. I think Mr.President, she was referring to prudent financing. Although I presented the budget myself which I must account, I would be perhaps omitting my own conscience if I did not support some of those views, especially when expenditure rises over 50% in one year.

Mr.President, I do not think that that is the extent of Government's commitments this year, because the nearly $1M advance in 1990 to the Cayman Airways loan, together with any further contribution that will be made this year must also be added, because no budgetary provision was made for these commitments.

Mr.President, I have always been very conservative in financial matters. I very much believe that this is a good policy. It has, perhaps, indicated in real terms the manner where this Government is concerned as Government no doubt performed well financially over the past, especially in earlier days, when we were not as well off as we are today. I am sure, Mr.President, that you, too, will agree that no one is worse off from being cautious in spending.

Mr.President, the advice of the Lady Member and the First Elected Member for Cayman Brac is no doubt different, or I should say that that advice is no different from the advice given by a present Elected Member of Executive Council when he performed the role of opposition some years ago and he, too, was concerned, because the budget represented a fairly big increase over the previous year. He thought, too, that the budget was too big in any case, for the size of the country.

Mr.President, the financial policy is formulated by the Elected side of this Honourable House and it is seen as a position often towards a successful financial administration and so, I support the budget which is put forward.

I think, nevertheless, Mr.President, the House would be well advised to limit spending where this is possible. The current expenditure over revenue in 1991 is caused through a large capital expenditure budget. I think reduction under capital expenditure should be set early because I doubt Government can spend in one year $18M under the capital head, unless, and I emphasize, Mr.President, unless there is a lot of waste in attempting to accomplish the programme, and I would not take too kindly to wasteful spending.

Mr.President, the Honourable Elected Members of Executive Council confined on their contribution to the budget address the big capital budget and the reasons for that level of expenditure. Their case was genuine. The question - what should be cut, if any? Mr.President,

HON. V.C.JOHNSON (CONTINUING): nobody wants anything cut from their budget, everyone wants everything that is presented there, and so it makes it difficult to decide limitations where the size of the budget is concerned.

Mr.President, much has been said about the financial position of Government from 1972 to 1980. Mention was made of the dwindling of resources between 1972 and 1976 and the strengthening of the position between 1977 and 1980. Also it was said that loans were raised during the period 1972 to 1976 and none, or very little, afterwards.

Mr.President, I know that a lot of politics was put into the debate on each side tried to strengthen their own argument and their own case. But being a part of the Government system from 1972, I should, no doubt, for the benefit of this House, state the true position of the Government's finances during the period.

Mr.President, I have no doubt that the world-wide recession which struck the Cayman Islands in 1974 and raged until 1977 created the financial rift between those two periods, the period 1972 to 1976 and 1977 to 1980. I would just like, as I said, for the benefit of this House, to give the financial position of the Government year by year, 1972 - 1980, taking into account the general reserve, the surplus and the deficit.

In 1972 there was a General Reserve of $168,884 and a surplus Revenue Balance of $557,719, giving a position of $725,243 to the good.

In 1973 the Reserve moved to $209,870 while surplus Revenue stood at $2,172,600 a balance to the good of $2,382,470.

In 1974 the Reserves moved to $258,183 and surplus $2,016,035, total of $2,330,187 to the good.

In 1975 the Reserves stood at $298,482 with a deficit of $614,744 giving a net deficit position of $316,327.

In 1976 Reserves moved again to $414,093 and the deficit position was $73,108 giving a net position of $370,985 to the good.

In 1977 Reserves continued moving up to $458,888, with a deficit of $535,270 producing a net deficit position of $76,678.

In 1978 the General Reserves moved to $709,348 with a surplus Revenue of $1,068,938 giving a net position of $1,778,286.

In 1979 the Reserves went to $1,699,848 with surplus revenue $5,810,513 producing a balance of $5,580,466 to the good.

In 1980 the Reserves went to $6,857,884 with surplus revenue $5,480,093 producing a balance to the good of $12,289,807.

That, Mr.President, is the financial position, year by year, between 1972 and 1980.

Mr.President, referring to the loan of $8M raised between 1972 and 1976 I should say that these loans were very necessary to lay the infrastructure of this Government for the on-coming growth and development of the country. The funds provided valuable assets for this country. Between 1977 and 1980 although the Government did not enter into actual loans, it did enter into a commitment of $10M under a guarantee. Although this commitment, as I said, Mr.President, is not classified a loan, Government has already paid towards the servicing over $1M and it remains that there will be many more contributions. We should therefore look at public debt commitments over the 8-year period from 1972 to the present time as something in the

HON.V.G.JOHNSON (CONTINUING): order of $10m. But, Mr.President, we should not look at the negative side of this $10m investment. The funds provided valuable assets to this country, assets that are now serving the country well, assets that will serve many generations to come, assets that coming generations will be as proud of as we who are enjoying them at present.

Mr.President, the Third Elected Member for West Bay said that Government expenditure and tourism in 1970 was $5 on each tourist arrival, and that has increased to $11 in 1980. Members on the Government Bench have already spoken on this, but I too would like to comment briefly.

The mathematic calculation based on the numbering power of money in 1970 against its loss in value caused by inflation would more than justify the rise in cost of tourism over the period to 1980. Mr.President, firstly, because of inflation the Cayman dollar by 1980 lost 57% of its purchasing power and this was from the 1973 base level. This means that the $5 in 1973 would have a purchasing power of only $2.15 in 1980, therefore the commodity which cost $5 in 1973 would cost $11.63 in 1980 and over the 10-year period from 1970 because of inflation, the $5 would represent over $10 or three times the purchasing power.

Secondly, tourism cost more in 1980 because the Department was obliged , because of strong Caribbean and European competition to increase in recent years its advertising programme in the United States, Canada, and even an extension of the programme into Germany.

All this, Mr.President, inflation and advertising added much to the level of tourism spending by 1980.

Mr.President, the Third Elected Member for West Bay also mentioned that the financial industry supplements tourism by about 40%, that is 40% of tourist arrivals are business people. Although an accurate figure is not available, the figure was always held to be 40% excluding cruise ship passengers, although many of them also are involved in business activities here.

Mr.President, I would like to now go on to another of my two subjects, exchange control, and I should say that exchange control played a great part in increasing economy conditions in the Cayman Islands. But, Mr.President, I must comment on points made by the Third Elected Member for West Bay on the abolition of exchange control and I am glad that he identified himself as the member of Government who opposed the abolition of exchange control.

Mr.President, as Custodian of Exchange and principal mover for the abolition of the system, I am still of the opinion that the country will derive much benefit from the action given sufficient time to prove the case.

Secondly, Mr. President, I am satisfied that the opposition to the removal of exchange control from the Cayman Islands is very, very small. It is a very small minority, perhaps even smaller than the opposition to the creation of the Middle School within the comprehensive education system. Such a development of the Middle School is something, Mr.President, that would have had my wholehearted support from time the comprehensive system was established in 1970. I thought it unfair to have small children, 11 +, mixing with older children in the same surround. Secondly, I see difficulty and even resentment in separating children within the same school system for the academic and technical streams. Mr President, I am not qualified to speak on the subject so I will revert to Exchange Control.

HON. V.O. JOHNSON (CAYMAN ISLANDS): Mr. President, in January 1972 when the sterling area was disbanded and countries outside the United Kingdom were no longer required to administer control over sterling, I decided to spend some time studying the need to retain exchange control in the Cayman Islands. At the end of that time, after about a year and a half, I was well satisfied that the Cayman Islands did not need exchange control and Mr. President, this view was supported by the entire financial community except for about two or three persons. One has identified himself. The other two were two English bankers and I am satisfied that Mrs. Thatcher has taken care of them.

Mr. President, in 1974 I wrote to a close friend in the Exchange Control section of the Bank of England, a Ronald Leahy and asked for his views and on the 29th of April 1974, he wrote to me as follows. He said I am glad to be able to say that it seems likely that the Bank can give some assistance. It will not however fall to me to do the job. A study of the kind you have in mind goes beyond the technical sphere of exchange control by necessitating consideration of the number of general matters affecting policy within the local economy.

Mr. President, following this, I wrote to the Bank of England requesting the study and the terms of reference included the following. "In the light of the action taken by the British Government in 1972 to exclude the Cayman Islands from the scheduled territories under the English Exchange Control Law, state whether the Government of the Cayman Islands at the present stage of its development need to continue administering a system of exchange control."

Mr. President, an on-the-spot study was undertaken by a Mr. A J I Williams, of the Bank, and a twelve page report submitted in February 1974. This is a copy of the report. I am sure that third Elected member from West Bay read the report as well. The determination of the report was that there was no need for the control of currency or sterling, not sterling, Cayman dollar by that time, there was no need for the control of Cayman dollar. The same year, Mr. President, 1974, the former Chief Secretary and I attended a special meeting arranged by the Bank of England in London where the subject was discussed at high levels with the Foreign and Commonwealth Office in attendance and the conclusions of the Bank again was the same that there was no need to retain exchange control in the Cayman Islands. Three years later in February 1978, the Bank of England again wrote to me on the subject and this is what they had to say. "You referred in your Budget Speech of the 10th of November 1977 to the study which was undertaken at your request in 1974. This resulted in the report which was submitted to you on the 17th of February 1975 with the conclusion that exchange control could be suspended with some positive advantages and little risk of disadvantage." After nearly three years of further experience of the Islands, I would still support this conclusion.

Mr. President, the advice was apparently genuine as Britain was fit to abolish the exchange control in 1979. I have no doubt, myself, that the absence of exchange control here has promoted much of the increased economic activities from the middle of last year.

Mr. President, there are hundreds of countries around the world without exchange control. I do not think that they are any worse off for it. As to the effect of non-control over the local currency, we expected small reduction in circulation, but as yet, there is absolutely no sign of this. And, Mr. President, I think that the main emphasis is the benefit to the country of the action and I am also sure that the people of this country are happy with the result.

HON. V.G. JOHNSON (FINANCIAL): Mr. President, some adverse comments were made on the issue of the $40 note which will be issued by the Currency Board this year. Well, my conclusions, Mr President, is that you cannot satisfy everybody. There must be something wrong. Some of the negative reaction to the introduction of the $40 note which also came from readers outside of this House, and I should mention it was also mentioned by the Bank of England. A question, the fact of whether we were certain that the $40 was an appropriate denomination, since to them it did not follow normal denominational numerical sequence of the other notes. The other view was that since the currency is decimalised, the normal size of the notes would be $50 and $100 and in our case these would fit well with the $25 note. I explained, Mr.President, that it was the wish of this Government to produce a $40 note. It would perhaps be the only $40 note in the world. But there was a specific purpose and a reason for wishing to produce a $40 note. The problem that Bahamas sometime ago issued a $5 note and while it was very successful in the first year, it became disenchanted afterwards. However, Mr.President, I am sure that with the assistance of the Finance Sub-Committee, that the $40 note can be programmed and we hope that the note will be successful. I will be discussing this with the Committee in due course.

The reference, that De La Rue and Company, indicated that they could not produce the notes before November. However, I have stressed very strongly that we do need the note for the opening of Finance Week this year and however of that Mr.President, I will be going to London perhaps in the next two weeks to deal with the preliminary designs, colours and to ensure that the notes are ready in sufficient time for the opening of Finance Week.

I have here the proposed colours for the new note which I would like to show to the Members of the Legislative Assembly. The printers have chosen these as being appropriate to the colours of the other four notes and to me they look quite well. I will ask someone later to pass it around to the Members.

Mr President, the International Banking facility in the United States which many potential threat to offshore banking centres was mentioned, as the subject was mentioned by the Third Elected Member for West Bay. I did not mention Miami in the Budget Address because at the time I had no information on any area of operation outside of New York. New York, unlike Miami, is a recognised and developed world financial centre like London and Tokyo and New York is the main commercial and business city of the United States of America. It was therefore natural to just mention New York. However, I have investigated the Miami situation and my information is that Miami plans to have an International Banking facility by the 1st of October along with New York. Illinois and California will also join Miami. It is thought that Miami will mainly attract Latin American business which has grown there in the last few years. At present the Miami banks do not enjoy any special freedom from tax or do they enjoy any freedom from reserve requirements. The feeling is that Miami will not pose any greater threat to the Cayman Islands or the Bahamas than New York. Probably less, as the Interbank market is really in New York. Our proximity has advantages here will give us the edge over Miami.

Mr.President, we have just approved legislation making it an offence for any local publications that do not identify their publishers or owners. It is said that anonymous publications could produce adverse effects to the economy and damage the character of individuals.

HON. V.C. JOHNSON (CONTINUING): those individuals castigated in my articles in any such publications. Mr. President, I agree entirely, especially if the publication is unfounded and morally degrading.

Mr. President, I also feel very strongly about certain publications that I see from time to time identified publishers in the Cayman Islands. Such publications are also, in my opinion, most damaging to the economy and to the individual's character and integrity. One that has come to mind is the recent hospital incident with slogans on the walls which were perhaps written by some mentally deranged person.

Mr. President, I am not taking the side of any Member of the Hospital staff, but do you think, Sir, that the incident should have been made the lead article on the top of the front page of a publication? And most distastefully, and I would say disgracefully to have been put alongside of your photograph and the glowing and most outstanding Throne Speech ever delivered in this country. And another thing Mr. President, if I were you I would sue them for that photograph of yourself that they published.

Mr. President, I wonder if how those who are responsible for the publication would have felt if they ... the subjects named in the slogan and put on the top front page of a newspaper. No, they are get by with it because it was John Williams and Jack Healey. They know who to publish.

Mr. President, I know that the editorials will be looking back at me for those remarks. They are very prompt and very good in dealing with self-defense issues. Mr. President, I am not attempting to muzzle the press. They are already muzzled. They are muzzled to the extent that they are obliged to be selective in the names and the articles they publish always to the disadvantage of the public. And, Mr. President, let me tell you this, that this can be seen through the length and the breadth of these Islands. Someone told me just recently that the situation .....

MR PRESIDENT: I am not sure that this matter has cropped up in debate. I think the Honourable Member should restrict his comments to matters raised in the debate on the second reading.

HON. TRUMAN M. BODDEN: Mr. President, while there has been an interpretation if I may be permitted to just mention something relating to collective responsibility. Hiding that I will ask to deal with certain matters at the end of this because as I understand the constitution, it is under Section 2 (2) of the constitution. It makes it very clear that it shall be the duty of a Member so charged with responsibility to act in accordance thereof in exercise, in connection of collective of the Government established in the Council and in accordance with the principles of collective responsibility and to support in the Legislative Assembly any measure decided upon in the Council, unless he has received the prior permission of the Governor to act otherwise and not to support such measure. I understand that to mean Sir, that you do not stand in this House and speak against, not just vote, which it appears that the Third Elect Official Member feels. It is not just a matter of voting on a measure. It is very clearly here Sir, it is to support that measure and any deviation from this Sir, I would ask you to ensure that this does not arise because if I vote for something, but I stand and I speak against it, I feel it is in breach of collective responsibility. Further to say that, as was said earlier, that certain aspects are dealt with by Official Members or Elected Members, I do not think it is correct either. This is subject to collective responsibility and I ask you to bear that in mind Sir.

MR PRESIDENT: The question of collective responsibility is a matter for discussion in another forum.

HON. TRUMAN M. BODDEN: I will definitely take it up in the other forum. Mr. Chairman. Thank you.

HON. V.C. JOHNSON (CONTINUING): Mr. President, my winding-up is touching on subjects that were debated in this House and I think I have right a to speak on them. I am quite conscious and knowledgeable of the provisions s in the constitution dealing with collective responsibility

Mr. President, if I am not interrupted again, I will go on with the winding-up.

Mr. President, I must also comment on the suggestion that dependents of Caymanians in Cuba be allowed entry here to supplement the work-force. Mr. President, I have always been extremely nervous at the slightest mention of communism. And, I, for one, will stand very firmly against any infiltration of communists or communist ideology into these Islands by a deliberate act, or agreement, or arrangement. When Cuba became a communist state, in the late 1950's, and the onslaught on human lives began we were very sympathetic towards fleeing refugees. And it was at much cost to this country as well because it was felt that we should accommodate those who came here until they could reach the United States. As far as I know all true Caymanians who wished to leave the country, did so. Some came here. The majority went to the United States of America. I would say, Mr. President, that there may be a very few elderly Caymanians who are still there. They could not assist the work-force here. So the bulk of those who may want to some hope or could come here, are descendants of Caymanians in the second and third generations who are Cubans and termed Cuban communists. As harsh as this may sound, these descendants of Caymanians in Cuba should be held as Cuban communists and we must decide whether or not we entertain Cuban communists here.

Mr. President, in spite of the same number of Cubans to Florida last year, we must watch the situation here. After over twenty years of communist rule in Cuba, it is difficult to know who in that country is not indoctrinated in communism or communist ideology and therefore, unless the individual is a true-born Caymanian, we should be very cautious in encouraging any to come here.

Mr. President, I am sorry if I said anything here to upset my colleagues on the Government bench. I can assure you it was not intentional. What I say publicly or in my office or anywhere is always intended to be in the best interest of this Government and this country. I have no inhibition other than using the wrong statistic and replying to general comments on the second reading of the Appropriation Bill.

I think, Mr. President, this Meeting was very interesting and fun debate, as I said before, was of a very high standard. Members knew what they wanted to say and they said it. Whether it was caused from rancour or ministerial expediency.

Mr. President, two months have already elapsed by in this new year. We have a shortened period to the next Budget Session in November. I doubt there will be many changes by then to report. Nevertheless, I look forward to it. It will be very significant to me.

I must thank you, Mr. President, Members of Executive Council and Members of the Legislative Assembly for an ably assisting me in my part of the financial operation.

Mr. President, I look forward to the Meeting of the Finance Committee when we will study the Appropriation Law. Again I thank all Members for their contribution. I think this Meeting was quite an interesting one.

Mr. President, I recommend the Appropriation Bill, 1981.

MR. PRESIDENT: The question is that a bill entitled the Appropriation Bill, 1981 be read a second time. I put the question.

HON. TRUMAN M. BODDEN: Mr. President, I wished until you had finished that bit. May I offer an explanation under 34 (2)?

MR. PRESIDENT: I will put the question first. Will those in favour please say aye. Those against no. The ayes have it. In accordance with Standing Order 31 (3), the Appropriation Bill stands committed to a Committee of the whole House, the Finance Committee.

HON. TRUMAN M. DODDER: Mr. President, under 34 (3), I wish to offer an explanation relative to two matters. One is one.....

MR. PRESIDENT: I do not think the Member is in order because the Honourable Member asked leave to prolong.....

HON. TRUMAN M. DODDER: If you so wish I can deal with it in another way Sir.

MR. PRESIDENT: We still have the motion before the House from the Honourable Member from North Side. Be it resolved that the Honourable Legislative Assembl receive the grateful thanks to His Excellency the Governor for the gracious address delivered at this Meeting. Be it further resolved the debate on the address delivered by His Excellency be deferred until 2pm Wednesday. The Honourable Member has the right of reply if he wishes to before I put the question.

HON. TRUMAN M. DODDER: Mr. President, I am wondering whether we could have a break at this stage prior to the Honourable Member beginning as it is now twenty past eleven.

MR. PRESIDENT: I will see if he wished to reply first I think.

MR. CRADDOCK FRANKS: Mr. President, I really wish to manipulate or had any intention of replying or debating the.....

MR. PRESIDENT: I will put the question. The motion. Would those in favour please say aye. Those against no. The ayes have it.

HON. V.C. JOHNSON: Mr. President, I would like to suggest that we begin our Finance Committee meeting tomorrow morning at nine o'clock.

MR. PRESIDENT: Does that find favour with the majority of Members?

MR. CRADDOCK FRANKS Mr. President, I am wondering what sort of measure of time that the Financial Secretary would suggest for it. I mean in other words would he plan on beginning at nine and continue through to until one, one thirty to two or somewhere?

HON. V.C. JOHNSON Mr. President, this will be entirely up to the Committee. Tomorrow morning when we meet at nine o'clock we can set our schedule for the week.

MR. BENSON O FRANKS: Mr. President, I realize that the Hours cannot suit our timetable around my schedule, but tomorrow morning is a most inconvenient time for myself. I do not know whether an earlier or a later date is acceptable to the House?

HON. V.C. JOHNSON: Mr. President, I think we need to begin at the earliest time the meeting of Finance Committee and because other meet ings might not be available. I am hoping that we could complete the meeting of this Session by the end of next week.

HON. CLAIR DODDER: Mr. President, I would hope that once we have a quorum we meet anyway on Law.

MR. PRESIDENT: I think we can leave it to the Financial Secretary to agree the time for the first Meeting with Members after we adjourn today. We can discuss that informally outside the House. If there is no other business we can take the adjournment.

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until further notice Sir.

MR. PRESIDENT: The question is if this House could now adjourn? I will put the question. Would those in favour please say aye. Those against, no. The ayes have it.

The House stands adjourned until a date following the conclusion of the Finance Committee to be notified by the Clerk to Honourable Members.

STATE OPENING AND FIRST MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON MONDAY, 9TH MARCH, 1981

PRESENT WERE: -

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CMG., CBE. - PRESIDENT.

GOVERNMENT MEMBERS

| | |
|---|---|
| HON. DENNIS H. FOSTER, MBE., JP. | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON. DAVID R. BARWICK, CBE. | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON. V.C. JOHNSON, CBE., JP. | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON. TRUMAN M. BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON. JAMES M. BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION & TRADE |
| HON. D. MALC BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON. JOHN B. MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

| | |
|---|---|
| MR. ALDEN J. SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. BALWAIN D. EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. BENSON O. EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. NORMAN W. BODDEN | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GRAND TOWN |
| MISS ANNIE E. BODDEN, OBE. | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT. CHARLES L. KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT. MARK G. KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR. CHADDOCK EBANKS, JP. | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

ORDERS OF THE DAY

THIRTY DAY

MONDAY, 9TH FEBRUARY, 1981 - 10 a.m.

1. REPORT OF STANDING FINANCE COMMITTEE ON THE APPROPRIATION BILL, 1981 AND THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1981 - BY HON. V. G. JOHNSON, O.B.E., J.P., FINANCIAL SECRETARY & CHAIRMAN

TO MOVE THAT THE REPORT OF THE STANDING FINANCE COMMITTEE ON THE APPROPRIATION BILL, 1981 BE ADOPTED

THIRD READING FOR SECOND TIME

THE APPROPRIATION BILL, 1981 - THIRD READING

2. QUESTIONS -

MR. D. KIRKCONNELL OF WEST BAY TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 13: Would the Member make a statement setting out the duties and responsibilities of the Hospital Administrator?

NO. 14: Would the Member make a statement setting out the qualifications of all the doctors at the Hospitals in Grand Cayman and Cayman Brac.

NO. 15: Will the Member state how many doctors have retired for -

(a) registration
(b) work permits

and in what fields? Will he also state how many, in each case, have been granted?

MR. BENSON O. EBANKS OF WEST BAY TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 16: Will the Member state whether the syllabi for West Indian History at the Cayman Islands High School are in keeping with his published Education Policies? If the answer to the above is in the affirmative, will the Member make a statement?

3. GOVERNMENT BUSINESS:-

The Development and Planning (Amendment) Bill, 1981 - SECOND READING

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MONDAY 9TH MARCH, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

REPORT OF THE STANDING FINANCE COMMITTEE ON THE APPROPRIATION BILL, 1981 AND THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1981 - LAID ON THE TABLE

HON. V.C. JOHNSON: Mr. President, I beg to present to this Honourable House the Report of the Finance Committee which met on the 27th of February and on the 2nd and 3rd of March to consider the Appropriation Bill, 1981 by examining along with the Bill the Estimates of Revenue and Expenditure for the year.

Mr. President, in the three days that the committee met, in the twelve hours of deliberation the Appropriation Bill was approved in its entirety without any amendments to the total sum recommended, that is a sum of $39,305,396. However, the Schedule of the Law was amended slightly, and I will give in brief what was agreed to.

I will first deal with the recurrent side of the Budget. A sum of $10,000 under head 10 - Finance & Development, Item 38 - Subsidy to Trans Island Airways was deleted. It was put there in the first instance, Mr. President, in error following a similar provision in 1980. Those funds were distributed as follows:- $1000 remained under head 10 - Finance & Development and placed under Item 2 - Travelling and Transport, increasing the sum from $10,000 to $11,000. The second adjustment was that 1,000 was put under head 8 - District Administration, Item 38 - Drugs and Medical Supplies, and the purpose was to improve the stock of drugs at the Cayman Brac Faith Hospital. The balance of $5,000 was allocated under head 17 - Social Services, Item 14 - Old People's Homes. This $5,000, Mr. President, is to be a special contribution to the E.B. Kirkconnell Rest Home in Cayman Brac.

There were other recommendations, Mr. President, under the recurrent side of the Budget, one was that because of its importance to visitors to the Island the sub-post office at Hell in West Bay was recommended to be upgraded on a full time basis. In other words, the part-time service as at present should be converted to a full-time service in order to accommodate visitors who visit that post office all hours of the day. It was also proposed that assistance should be given if this was necessary to the proposed construction of a new building on the site for the use of a post office.

Moving on to new services, Mr. President, a new post of nutritionist was added to head 10 - Personal Health Services. The salary of the post should not exceed the level of MSI-17, the grading would be dealt with in time by Personnel Department. Another new item added to the New Services Section was an assistant Librarian under head 17 - Social Services, the grade of that post should also be determined by the Principal Secretary Personnel. The Item Higher Executive Officer under head 18 - Personal Health Services is to be upgraded to the level of scale MSI-17 and the incumbent to be redesignated accountant.

On to Head 40 - Development, that is Capital Expenditure, there were a number of token provisions recommended. One was that under Item 5 - School Playing Fields $17,500 is to be allocated as a token provision for all schools needing a playing field. There was mention of three areas in which these funds were to be allocated and those will still receive the benefit of these allocations, but the vote for this year is to be used generally for all school playing fields in the Islands.

Item 8 - Lands for Government buildings, was also given a token provision for the lands for the playing fields in the Hinterlands. It was also a token provision for a beach area to be purchased for the public in the South Sound area. Item 17 - Reconstruction of roads in Grand Cayman. The Committee recommended, Mr. President, that priority be given to the completion of the proposed road at Tortuga, also the realignment of the Bonkers Road and the paving of that road. The committee, Mr. President, in reviewing the roads programme for this year recommended that if there is delay in negotiating the loan from Caribbean Development Bank for the purpose of the various programme, but especially the connecting road between East End and North Side that this Government should move on with its construction because

HON. V.G. JOHNSON (CONTINUING): of the importance of that particular development, and at this particular stage it should be rated top priority.

It also recommended the alignment of a road at South Sound near to the pines. The owners indicated their willingness to donate a strip of some fifty feet from the road to the sea to be used by the general public for boating and other purposes. It is suggested that if the fifty feet is not wide enough that Government should pursue the possibility of purchasing additional footage.

Item 28 - Prison, and this is dealing with the second phase construction. The committee recommended, Mr. President, that once suitable plans for the second phase have been prepared and approved by Government there should be no alterations or no deviations unless with the specific approval of Executive Council. The Committee noted with regret the vast sum of money spent on alterations to the first phase. Item 41 -Fresh Water Leases. A token provision of ten dollars was inserted under this item, this ten dollars was counterbalanced by a reduction in the vote under Office Furniture and Equipment in Item 2. In making this token provision, Mr. President, the committee stated that no further expenditure should be committed on this ground water investigation project until there is a clear understanding of what work has been completed so far and what is left to be done before water is produced.

It was noted that from 1970 Government has spent large sums of money on three major studies and with no positive results as yet. Any further study should examine the possibility of providing water in the Bodden Town/East End and North Side area.

Item 42 - Fire Service. A token provision was made under this item to replace the Fire Truck that was recently lost in a road collision. The Committee, Mr. President, in making this token provision was concerned over the fact that the vehicle was not covered by comprehensive insurance, and therefore a total replacement is a charge against Government funds. However, Mr. President, it was pointed out to the Committee that the cost of insuring comprehensively all of Government's vehicles would cost a hefty sum of money, and that it was thought that once the insurance company carried the public liability side of the insurance that Government from savings by not insuring the vehicles comprehensively could replace these vehicles annually at a great advantage to Government. It is therefore thought that at this particular stage Government should carry out an investigation to study this particular matter, to see exactly what sum of money will be involved in the possibility of insuring the vehicles comprehensively over the present full third party system. If the difference in cost is of an appreciable figure the committee thought that the Government should operate something in the semblance of a captive insurance system where these funds are placed in a reserved account of Government and maintained year after year, solely for the replacement of vehicles, vehicles involved in accidents of this nature.

My own view, Mr. President, is that this is a very wise decision, because I have no doubt that such a reserve will be entirely to the advantage of Government.

Mr. President, a token provision of $10 was then inserted under Item 102 - Airport development, Cayman Islands. This item is to accommodate the loan element of airport terminal building project, and what is being considered this year is the Owen Roberts Airport Terminal building.

The report at page 5, Mr. President, on top of page 6 should carry a slight amendment, because the numbering did not change from its original form. I am sorry about that. Items remain the same and the numbers remains the same, the only amendment there is the provision of $10, and this $10 is counter-balanced by a reduction under Item 107 of similar amount.

Mr. President, there were other recommendations made by the committee, one was on the training of officers in the Civil Service. The committee noted that the Government should take immediate steps in training people for the various services of Government, and in this particular instance they thought especially of the Immigration Department, and more especially of the post of Deputy Immigration Officer. It was noted that an officer was recruited recently from overseas on contract; that the committee is of the opinion that suitable candidates should be sought and should be trained to be available in the near future for the position. It was also thought, Mr.

HON. V.G. JOHNSON (CONTINUING): President, that the present Government regulations regarding training of officers should be looked at with a view to providing less stringent measures and remove the financial burden now being experienced of Civil Servants are called upon to undergo training for periods beyond one year. These Mr. President, are officers selected by Government for specific training.

The committee also thought, Mr. President, that in order to eliminate the long delays being experienced by applicants in the processing of their applications, Government should make a comprehensive revision of its present organization and management procedures in the Personnel Department with the view to contracting the best qualified people. It was thought too in the training area that Government should forward or should arrange well in advance training of suitable candidates in the required fields by going to the schools. Mr. President, during the course of the year and at graduation time and upwards students there who are perhaps qualifying in their final years in the High School with the possibility of training in the various sections of Government. It is thought that at the present time Government is making very little effort in this direction, as a result other institutions within the country go to the school and are able to abstract the best material for themselves.

Mr. President, there was also a request to upgrade the Police Service in Cayman Brac and Little Cayman. It was thought that this year the head of the Police Force should be established at the equivalent of a sub-inspector, they thought that Cayman Brac had now grown very prominently and should at least be represented with an upgraded Police Force. This is very necessary in view of the rapid traffic taking place on the Island, and also with the movement of drugs as well.

Following this upgrading of the Force itself, Mr. President, it was thought that next year the Government should start to build a new Police Station at the West End in Cayman Brac. The West End is now the centre of attraction in the Brac and it is very far from the present station at the East End of the Island. And while there is no objection to maintaining that station at the East End it is thought that one should also operate from the West End, and the Members are asking that this recommendation be implemented during 1982.

Mr. President, note was also made of the efficient manner in which the Port Authority administers the affairs of the Georgetown Port. It was recommended that in due time the Port Authority may take over the operation of all warehouses in the Island.

The last item, Mr. President, was the question of Government's general reserve fund. The committee recommended that all surplus revenue balances in excess of the amount which will supplement revenue in 1981 should be taken to general revenue. This should be in accordance with Government's policy to build the fund to whom it represents at least the equivalent of three months revenue collection. At the present time the fund falls short by approximately thirty percent.

Mr. President, these are the more important areas discussed by Finance Committee and recommended for necessary action.

I would like to thank the committee for its work, its deliberations and the great amount of interest taken in the financial affairs of Government and in the Budget proposal.

I will now move formally, Mr. President, that the report of the Standing Finance Committee on the Appropriation Bill, 1981 be adopted.

MR. PRESIDENT: It is ordered that the Report of the Finance Committee on a Bill intituled "The Appropriation Bill, 1981" be laid on the Table.

The question now is that the Report of the Finance Committee on the Appropriation Law, 1981 be adopted. I will put the question.

QUESTION PUT: AGREED. THE COMMITTEE'S REPORT WAS ADOPTED.

MR. PRESIDENT: In accordance with Standing Order 56 the third reading to be taken immediately.

THE APPROPRIATION LAW, 1981

THIRD READING

CLERK: The Appropriation Law, 1981.

HON. V.C. JOHNSON: Mr. President, I move that a bill entitled "The Appropriation Law, 1981" be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

QUESTIONS

MR. DALMAIN D. EBANKS OF WEST BAY TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 13. Would the Member make a statement setting out the duties and responsibilities of the Hospital Administrator?

ANSWER:

The Hospital Administrator has been delegated duties as Head of Department for all officers at salary M11 and below. Specifically his duties include supervision of all administrative (as opposed to medical) aspects of the health services. These include indemnity control, personnel and facilities. His duty also includes dealing with patients' complaints and other issues within the hospital and initiating court cases against Hospital employees in consultation with the Legal Department. I will pass Honourable Members a copy of the job description.

SUPPLEMENTARY:

MR. DALMAIN D. EBANKS: A supplementary, Sir. Could the Member say whether to his knowledge these duties are being properly carried out, Sir?

HON. TRUMAN M. BODDEN: To the best of my knowledge they are being properly carried out. However, I would just like to refresh the Honourable Member's memory and refer him to the constitutional order, Section 7 sub-section (1) paragraph (c) sub-paragraph (5) in which it says, "The Governor, subject to the provisions of this section shall consult with the Executive Council in the formulation of policy in relation to all powers conferred upon him by this Constitution or any other law for the time being in force in the Islands, except the exercise of any power that in his opinion relates to the appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, termination of employment, dismissal, or retirement of any public officer or taking of disciplinary action in respect of such an officer, the application to any public officer or the terms or conditions of employment of the public service (including salary scales, allowances, leave, passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision".

The duty to ensure that staff are disciplined or everything that is set out in here ostensibly with His Excellency the Governor upon recommendation to the Public Service Commission, and I therefore as a Member, I am not charged with responsibility to deal with staff. Therefore any questions relating to any irregularities in staff have to be dealt with by the Public Service Commission, which is a non-political body of which I am not responsible for, and I quite frankly agree with this part of the Constitution one hundred percent, Sir.

MR. PRESIDENT: If there are no further supplementaries we now move on to the next question.

MR. TALMAN D. BRANKS OF WEST BAY TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.14. Would the Member make a statement setting out the qualifications of all the doctors at the Hospitals in Grand Cayman and Cayman Brac?

ANSWER:

| MEDICAL OFFICERS | DEGREES | EXPERIENCE YEARS |
|---|---|---|
| John L. Williams | MD (1964)FRCS(1984)FACS (1975) | 22 |
| K.C. Grant | MD, ChD (1956) | 22 |
| P.M. Myrvaa | MD (1968) | 32 |
| C. Thomlinson | MD, BS (1972) FRCS(1978) | 9 |
| J. O'Callaghan | MB, BS (1954) | 29 |
| F.M. McIntyre | MB, ChB (1965) | 16 |
| C. Bailey (Occasional) | MB, BS (1958)MD, DM (1974) | 15 |
| S. Archibald (Secondment) | MB, BS (1960), MRCP (1963) | 21 |
| G.A. Fraser | MD, ChD (1944)FRCS(1949)FICA(1955) | 37 |
| M. Shibib (Part-Time) | MB, BS (1958) | 21 |

SUPPLEMENTARY:

MR. TALMAN D. BRANKS: A supplementary, Mr. President. Could the Member say that the salary scale for medical staff reflects the qualifications, responsibilities, experience and work load?

HON. TRUMAN M. BODDEN: Mr. President, once again I will refer the Member to Section 7 of the Constitution in which the conditions of service are set extremely to myself. I would expect that they should reflect, but as the Honourable Members knows, the dealing with Personnel, the paying of salaries, the fixing of salaries, the appointments, the dismissal, the conditions generally, are not my responsibility. And I can say no more than, I would hope they would reflect both the degrees as well as the experience of the specific officers; and I believe they would be set out in the Estimates which we recently went through.

MR. PRESIDENT: If there are no further supplementaries in question 14, we can move on to question number 15.

MR. TALMAN D. BRANKS OF WEST BAY TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES:

NO.15. Will the Member state how many doctors have applied for -
(a) registeration
(b) work permits

and in what fields? Will he also state how many, in each case, have been granted?

ANSWER:

Since July 1977, a total of 186 Health Practitioners have made formal application for registeration to the Health Practitioners Board.

| | | | Registered | |
|---|---|---|---|---|
| General Physicians | - | 148 | 1 | |
| Optometrists | - | 3 | 1 | |
| Psychiatrists | - | 6 | 0 | |
| Ophthalmologists (Eye-surgeon) | - | 3 | 1 | - Voluntary Visiting |
| Chiropractitioners | - | 4 | 1 | |
| Dentists | - | 12 | 8 | |
| Plastic Surgeons | - | 2 teams | 8 persons | |
| Anesthetists | - | 4 | 2 | |
| Urologists | - | 1 | 1 | |
| Neurosurgeons | - | 4 | 1 | - Voluntary Visiting |

ANSWER TO QUESTION NO.15 (CONTINUING):

| | | Registered | |
|---|---|---|---|
| Pediatrician | - 2 | 0 | |
| Orthopedic Surgeons | - 3 | 7 | Voluntary Visiting |
| Obstetrician | - 3 | 1 | |
| TOTAL | 192 | 75 | |

Additionally, 48 official applications have been received for posts in the Department and an estimated 200 have visited the Chief Medical Officer's office for enquiries as to how they may be registered.
The Portfolio is unable to answer part (b) of the question as it is not responsible for granting work permits.

MR. PRESIDENT: If there are no supplementaries we can move on to question 16.

MR. BENSON O. EBANKS OF WEST BAY TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.16. Will the Member state whether the syllabus for the West Indian History at the Cayman Islands High School are in keeping with his published Education Policies? If the answer to the above is in the affirmative, will the Member make a statement?

HON. TRUMAN M. BODDEN: Mr. President, under Standing Order 23 sub-[illegible] I request leave to defer answering this question and to answer it in writing as provided by Standing Order 23 sub-Standing Order (8), upon the following grounds:-

Firstly, very short notice was given, the question being served on me the day this House last adjourned. Finance Committee has been in session ever since. Secondly, it is extremely general requiring me to do research into the syllabi of West Indian History, which is contained in the five books which I have here today, comprising hundreds of pages. As soon as possible I shall let the Honourable Member have a reply, probably within a few weeks.

MR. PRESIDENT: The House is requested to express an opinion on whether the Honourable Member should be permitted to defer answering this question. I will put the question, will those in favour of allowing the Honourable Member to defer answering this question and giving it in writing.

HON. BENSON O. EBANKS: Is there a printed version of the Member's statement, Mr. President?

HON. TRUMAN M. BODDEN: Mr. President, this is not necessarily word for word, but it is the notes of what I have said.

MR. PRESIDENT: I think it is quite clear that Standing Order does allow a Member to defer answering a question if it is the wish of the House, so I will put the question. Would those in favour of permitting the Honourable Member to defer answering the question please say Aye.

QUESTION PUT: AGREED.

MR. PRESIDENT: The question, therefore, will be answered in writing to the Honourable Member as soon as the Honourable Member answering the question has done his research. I hope that can be done reasonably, expeditiously.

HON. TRUMAN M. BODDEN: I undertake to do it expeditiously, Mr. President.

THE DEVELOPMENT & PLANNING (AMENDMENT) LAW, 1981

SECOND READING

CLERK: The Development & Planning (Amendment) Law, 1981.

HON. JOHN B. MCLEAN: Mr. President, I beg to move the normal reading of a bill to amend the Development & Planning Law, 1971 (Revised).

Mr. President, it is my intention to make a motion referring this bill to a select committee of the whole House for a complete study. The purpose of this Bill, Mr. President, is to add provisions to the Development and Planning Law Revised, requiring the payment by applicants for planning permission for condominiums schemes and strata developments of a levy of $2500 per unit or an option to build one house per ten units and sold locally.

The reason behind this Bill, Mr. President, is as follows:- With the present local housing problem on the Island it was thought that those investing in condominiums with their high profits should contribute something more to our Island. The matter has been discussed with some condominium investors who have agreed, it has also been discussed with some contractors who felt that the investors for whom they are employed would accept the amendment. I am therefore asking Honourable Members of this House to support the Bill and to give their contribution when the Bill is under study.

Mr. President, if it is alright with you, Sir, I could make the motion at this time.

MR. SPEAKER: The motion must be made at the conclusion of the second reading debate.

HON. JOHN B. MCLEAN: Alright, Mr. President.

MR. PRESIDENT: The question is that a Bill intituled "The Development & Planning (Amendment) Law, 1981" be read the second time. The motion is open for debate.

MR. C.L. KIRKCONNELL: Mr. President, the proposed amendment to the Development and Planning Law Revised, to levy a levy of $2500 per unit, for planning permission, for condominiums schemes and strata developments, should not be before this House today. Chief Justice John Marshall said in 1819 "The power to tax involves the power to destroy". There are other methods that could be applied to achieve the same goal and would not upset the foreign investors or diminish Government's revenue.

The economic impact, Mr. President, will not be felt now because of the tremendous buoyancy of the tourist industry, the financial industry and the amount of construction still in the pipelines. If this bill is approved in any way near its present form it will practically bring to a complete halt any long-term investment in construction of additional condominiums or strata developments. When all the present schemes are completed most developers will hesitate to construct any new condominiums or strata type buildings, because the market will be fairly saturated and it will not take too much to discourage them from investing in new construction.

We need foreign investors, Mr. President, to develop our Island, as we do not have the wherewithall to do it ourselves, but we put no obstacles in their path, but encourage and assist them.

I must agree with the Financial Secretary, that if this Bill is approved it will be the thin edge of the wedge for further direct taxation. This will ruin our image internationally as a tax haven and eventually lead to our down fall. Mr. President, the more I study the bill the more I realise how unfair and unreasonable it is. This bill, if approved, will only apply to tourist related type developments, other developers are using no much or more labour than the condominium or strata developers, and this, Mr. President, is the root cause of the housing problems but no payment or contribution is being sought from them.

Mr. President, this is not good legislation but rather a wasteful duplex approach to solve the housing problems which

MR. C.L. KIRKCONNELL (CONTINUING): requires thorough investigation and research together with sound planning and a thorough like approach. I understand, Mr. President, that Government has established a housing committee to study and report its findings. I would have thought that such a bill as is being introduced here would have awaited the report of the committee.

Another thing, Mr. President, in the bill which I object to, and that is to give the Member of Executive Council responsible for this bill the power to postpone or suspend the payment of the levy in whole or in part, after consultation with the Member of the Executive Council responsible for Tourism matters is absolutely unthinkable and unacceptable. The Government has an Executive Council that is entrusted with the affairs of the territory and also the machinery for collecting all revenue that is due to it. Mr. President, as I see it, we have a very fair and reasonable alternative which would not cause any hardship to developers nor would it damage the good name and reputation of the Cayman Islands or cause anyone to lose faith and confidence in us.

Mr. President, I propose to scrap this bill and increase or put a special stamp duty tax of one and a half percent on all developments above a certain value and exclude residential homes. This proposal will bring in access revenue immediately as it will apply to existing developments as well as to new ones.

Mr. President, the Honourable Member introducing this bill said that developers had agreed to this, (I have spoken to some of those who said they agreed to the bill), they did not take this as a contribution, the way that they understand, that they would put up the $2500 per unit or build a house but they would in turn be able to recover this amount of money, so I think the Member should put this point very clear.

The proposed bill before us will apply to new developments only, and in addition will only apply once whereas the stamp duty charged would apply everytime a unit was sold. The principle of ad valorum stamp duty is accepted by foreign investors in the Cayman Islands and I feel sure they will accept this increase stamp duty much more happily than a new form of levy or tax. I oppose this bill, Mr. President, and ask Government to withdraw their actions and reconsider what I have said along the lines of my proposal. Thank you.

MISS ANNIE E. BODDEN: Mr. President, my colleague here has ably expressed the feelings that there is little I can add, except that I oppose this bill.

Mr. President, as I understand it we collect the full customs revenue on these condominiums, and that being the case I think it is most improper to hold these people down to get something like $2500 per unit more.

Mr. President, it was publicly stated in this House that I was an opponent to condominium. The impression was even made that I should be put behind as being the devil. Well, Mr. President, that is not the case, Sir, what I was trying to say in that instance, that we should stagger our building and construction programme over a period of time when we would not have any thing going one minute, because as sure as the sun shines out of heaven the day will come when we shall need to have some work. In my opinion, Sir, if we were to stagger this building programme within reason over a period of time and that we did not have to import labour, we could very well carry on as it is, but to make a Bill of this description with all the power vested in two people, who can say, pay or do not pay, as I read, I do not think it is right. I must agree, Sir, that we have an Executive Council whom I do not agree with everything they do, but at least they have the authority to do right, and I do not think it will be right and fair to take the position from them and place it in two Members only.

I feel, Mr. President, that it is direct taxation, and those people who heard the broadcast about a week ago on the same subject matter on the first of March, a Sunday, was Dr. Brown. He was asked "do you know other investors that feel the same way as you do about this?" Evidently, he was opposing it. Dr. Brown's reply was, "I know several. I know two or three at this point that have been investing very heavily in the Island and are really seriously thinking of leaving." Now Mr. President, all of us

MISS ANNIE H. BODDEN (CONTINUED): have heard the story of the goose that laid the golden egg, and the owner wanted to cut the goose in two to get the inside egg and found none. Well, that is exactly what we can do. We have something that is laying golden eggs, and I feel, Mr. President, that we should encourage that, we should not make laws specifically against one person, one firm, one corporation, we should make laws which apply generally. That is why, Mr. President, I had such a bamboozling here when this Assembly started, just because I said that our laws should apply to all and sundry, and for which I got a - I would like to say exactly the word I had in my mind - but in any case I was really attacked by two, I call them "vicious women", and I feel, Sir, that I might be attacked by saying this also, but nonetheless, .....

HON. G. HAIG BODDEN: Mr. President, on a point of order. I must raise the question of "vicious" being unparliamentary.

MR. PRESIDENT: That is correct, I am afraid.

MISS ANNIE H. BODDEN: Well, Mr. President, I will withdraw "vicious". I still have it in my mind of course, but I will say, Sir, they were both unlady like, I do not know if that is against parliamentary wording of this; I will say, they were most unlady like to attack a 71 year old lady of my capability .....

HON. TRUMAN M. BODDEN: Mr. President, with respect, Sir ....(Miss Annie H. Bodden: You sit down will you.) - I do not know how this is relevant to the Amendment & Planning Law. I am submitting on a point of order that it is not relevant, Sir.

MR. PRESIDENT: I think the Honourable interrupter is correct, the Honourable Lady Member should continue on the substantive motion before the floor.

MISS ANNIE H. BODDEN: Mr. President, I was barely trying to say, Sir, that when you object to anything in this House, that is, we on this side or a portion of us, there are always objections from these Honourable high-falutins, if that be out of order, crowd who think they know everything. I was saying, Sir, that I will get, I suppose, the same treatment from my opposition to this as I have had previously. In any case I do not want to break any Standing Orders, they have been broken here time and time and time again and they will continue to be broken unless these people who think they know it all are put in order.

I will go on to say, Sir, I object to this Mas development statement. And this investor, Mr. Brown, among others finds that this is not right, and I cannot agree with it, I have no intention of agreeing with it at any stage whatsoever. I find, Mr. President, if we need money for housing projects we can devise ways and means of paying that money without running away investors. We have a right I would say, that we would not impose direct taxation, and I can see this as nothing else but direct taxation on a certain group of people.

You know what Mr. Brown went on to say? He was asked, "What is this programme on which Mr. Bodden announces his intention a sizable number of people have expressed the opinion that a major investment attraction of the Cayman Islands is the absence of direct taxation. Now some have said, they view this proposal as a form of direct taxation, do you see this as being a valid assessment of the whole thing?" Mr. Brown's reply, "Oh, definitely". You can call it anything you want, but it is a tax, sure it is a tax, and it is a front end tax, and it is the kind of thing that is very discouraging to those who come here because they have been disenchanted elsewhere, and I feel that the Island is doing so well with what it is doing, any change may make it unsuccessful.

Mr. President, we have views from investors that they will put money, this, and I would like each and every Member here to know that I am not the least bit interested in emoluments personally, but I am interested in the good and welfare of the Cayman Islands. And I repeat,

MISS ANITA A. HOSKEN (CONTINUING): that we here as Legislators, Honourable men, and one soul, they think each woman, but I will show them that we should do anything to destroy our good name, and above all, to stop progress in these Islands. Thank you, Sir.

HON. JAMES M. DOYLE: Mr. President, before the House today is a very important bill. I too realise some of the ramifications this could have, particularly when it is misinterpreted. I think one thing that we should make plain is, that this Government and this Island welcomes the investors from abroad, but I do not think it is fair for a very small group to get these investors and put them on the air without the opposing view. I think it is unfair to the country that the Radio is so many times used in that respect. With all due respect to Mr. Brown, whoever he may be, I have heard rumours circulating, some say he has bought thirty condominiums, some say he has bought seventy. I personally do not know if he has bought one. But the point I am making is this, if he has bought those, this amendment would not effect his investment because they would be quite supposedly that planning approval had already been given for, and this bill is not retrospective. Besides, I would think and hope that if we did have an investor in this country that was financially capable of buying thirty or seventy condominiums that his moral conscience would be sickened enough than this small contribution would not scare him away from our Island, because it is probably through the cheap legislation that this country has that has enabled him to save that much money to buy those many units, because if he was in another country he would be paying a lot of direct and indirect taxation.

I also feel, Mr. President, that a certain lawyer who shall remain nameless at this point could do the Island a lot more good in trying to put the positive aspects of Government forward rather than what he thinks of the negative points.

Mr. President, it is no secret that I am one of the largest, and I would say, probably the largest real estate broker in this country, as well as having very large investments in many different fields. Presently, I with two partners am developing a hundred and forty-six condominiums in one area and another area, I think something, another area, over a hundred again. Now I doubt that there is another developer in this country except, probably, Mr. Hasker, that has more units than I have in this field. Besides, I move a lot of land in other areas of real estate every year, so I would be a very foolish person to bring to this House legislation that would kill the business, not just for myself but for other people also.

I did not wait, Mr. President, until this legislation was passed into law to try to begin this scheme, my projects have been approved a long time ago. My projects are fairly well on to completion, and yet along with my associates we had bought the land and we are building homes in this category and will make them available to the local people at our cost. I am not trying to put forward to the developers of this country something that I myself am not willing to do, I always believed you should lead by showing how to lead.

There has been a hue and cry in the country over since these months before the election concerning condominiums. We have heard many arguments put forward about the condominiums, I think we all agree that the condominiums play a big part in Government's direct revenue as well as the good it offers in the tourism field for providing shelter for the tourists who come to the Island. But, Mr. President, it is no use of us closing the gate after the bull is already in the pasture. And at the beginning of the year there is always a long list of plans before the planning board to be passed, if we should wait on this legislation until later down in the year it would mean we would be defeating the main purpose of this legislation. This legislation has been called a few things here this morning, it has been said that it could ruin the market, it could ruin the condominium development, it is a thin edge of the ugly wedge for taxation, it is unfair and unreasonable and unthinkable and unacceptable for the Members of the Executive Council to deal with this.

Then a proposal was put forward which supposedly would not be as onerous as this one, by saying that the stamp duty should be increased an additional one and a half percent. We could have brought this legislation in many different forms, and it could have been hit on to the margin

HON. JAMES M. DODDER (CONTINUING): it was being brought, but we have not done that, we have come forward with this tax, if you wish to call it that, in the area that is directly involved and we have had the purpose for which we are doing it as we are telling the country we are trying to come to grips with some of the social ills that exist. It is no secret in this country that a lot of our people are now living sometimes three and four families in a very small home, sanitary conditions in some of them are very bad, and I could go on and on in explaining some of the ills of this but we must remember that that is where the social discontent comes from. We have seen it happen in other countries, other countries have been built up in the similar manner to how our country is building and they have paid no attention to the less fortunate people in the community. And what happens is, after five or ten years of building beautiful buildings and people making a lot of money off of them, then the discontent seeps in from those who have not been able to get anything of the growth that is now taking place.

Our people will not be different then from other people of the caribbean and of the rest of the world. And if we do not make a step to clean up some of these areas in the community, these are the things in my mind that will run the tourists, because the tourists do not come here to see poverty either, and they do not like to see it, they do not like to rub shoulders with it, they do not like to be reminded of it, by the same token our people will then get to where they will not have the attitude towards the foreign person that they do today. We will then have a great wedge not just a thin edge, but we will have a great wedge that will be driven between our people and the people from abroad, that is why it is incumbent on this Government to do something about it, that is why the budget that has been presented to this country this year has come to grips in many areas with the social ills that are beginning to creep into the country, and it is incumbent enough that we realize it and deal with it now and not wait until the cows have completely jumped, because then it is too late.

The plan before this House, Mr. President, is saying, that instead of paying the additional one and a half percent stamp duty for which the average condominium today in this country is selling, some of them $250,000, some $300,000 and some $200,000. If we take the $200,000 figure and we will show you one and a half percent to it you are going to find that is going to bring over $3,000 of additional stamp duty. When that stamp duty is paid, it is paid into the Treasury of this Island and the developers will see no more good from it. What we are putting to the developers today is a plan that says, you helped us and you recognized that we had a problem, you alone must not benefit from the good of this country the benefits must go down into the grass roots, because when the people get discriminated they may be able to cope, Mr. President, but most of us have no place to run to and we must protect the less fortunate.

If we were to put that one and a half percent added tax on it would mean additional revenue to Government on most of these condominiums from $3,000 to $4500. Yes, we could use that to accomplish what we are after here, but it would be a disguise, Mr. President, because we would be changing one form of direct approach to an indirect approach to accomplish a direct means, and I think if it is any unfairness, that is where the unfairness would come in. We are saying to the developers, if you are going to develop a hundred condominium units we do not expect you to put the $250,000 up front, or are saying to them, you can get your approval in stages of ten, twenty, fifteen, any amounts and you pay for that amount then or you can pay for that amount in stages up until the point that the certificate of fitness is given to the developer. That is nothing that is difficult to be done, that is something that is not going to push anyone away from investing in this country, that is one side of it, that I call, Mr. President, the penalty approach.

The other approach is, that the authority which we plan to set up would say to the developer, we do not want your $25,000 on ten units we would prefer to have you build a home from plans that will be supplied by Government in a designated area that Government will designate to you. That would mean that if a man is building ten condominiums in West Bay we would not expect him to build a home in Colliers, we would try to deal with the area where the problem is at that time, and we would deal with it and ask him to build that house some place in the West Bay area.

HON. JAMES M. BODDEN (CONTINUING): Now, Mr. President, just look at the reasoning for doing that. The developers in this country today have control or most of the construction labour that is available. For the little man on the street to put together a construction crew to help him build a home is nearly impossible, he cannot cope with the high wages that are being paid by the developers because most of the jobs are done on a sub-contract basis and the men make a lot more money than they would working for an average person at four or five dollars an hour. So the man in the street must try to build that house with his friends, may be, on a Saturday around a case of beer or try to do it himself, and it means it is going to take a long time for that house to be completed.

These people get the benefit of bringing in additional people in the construction field to help them that the small man cannot get. These people are able to buy in bulk from abroad, so the people have the material at a cheaper cost to them than is available to the man on the street, and we are asking him just this, may he give men out of his construction crew to build this home. And when that home is built then we will find the buyer for it, we will monitor his cost, we will know what that house cost him, he will get every penny of his money back when the house is sold, the only thing he may lose is the interest on any $40,000 that he may have tied up for three months and certainly that is not going to break any developer. If we bring that down per unit cost again, we are looking at $150 to $200 on every condominium unit that he has built that may cost him to build this house. But the result is, that some family in this country will then be able to move into a decent home at a cost that they can afford and on terms they can afford. This is probably what is upsetting some people, because at this time they have not figured out where the money is going to come from to let the man on the street buy these homes, and this is what has dismayed our loyal friend who has been put in such hole four years ago and has not been able to intimidate this Government as he has done in the past.

That is why, Mr. President, I say, that I do not think we could have found anything that is fairer than what we are trying to do today. You must remember that the developer in bringing in people on work permits has put a strain on the local housing, houses that were available to the Caymanian young married couple two or three years ago for $200.00 or $250.00 per month, it would be lucky if they could get it now for $750.00 per month. And that strain has been occasioned, not just alone from the construction trade but mainly by the construction trade in the importation of labour to build the condominiums. So our contention is, if you are getting the good benefit out of something then you should put back a little bit of that in the community.

Now, if the developer does not want to help us build that home, then this is where the penalty side comes in, and we say, well give us the $15,000 on ten units, but that is not hurting his profit. The average condominiums sold in this country today is yielding $50,000 or above in profit, I can speak with authority on this. So, we are not hurting him, we are not hurting anyone, we are only trying to give our people in this country that cannot afford to build the condominiums and make that kind of money, we are asking that they share in the little bit of the good that is derived from the condominiums.

I cannot emphasize to the Hon. that it is unacceptable and unthinkable for two Members of Executive Council to deal with this. If the Member would reflect and look at the present Planning Law, in regards to condominiums and anything in the hotel business it must first come to my office or my portfolio for approval anyhow before it goes to the Planning Board, so this is nothing unusual. We are being accused a way, and I think the Honourable First Elected Member of Executive Council and myself are quite capable of carrying it out and carry it out without lining our pockets or making a penny out of it, but doing it for what principles we stand for, for the good of this country and to build the country that our children and our grand-children will be justly proud of and will not have to run away from.

We have met, Mr. President, with the Contractors Association which do, probably about eighty percent of the condominium construction in this country. We have discussed this matter with them and explained it to them, we had not one negative point raised by any of them,

HON. JAMES M. BODDEN (CONTINUING): in fact most of them said, that in their talk with their developers the developers accepted it the same way, and some of them said that the most that Government should have levied should have been $5,000 a unit and some said $3,500 a unit, and we took the lowest sum of $3,500.

I, and the Hon. Minister Member of Executive again met with some of the developers. The developers that he and I met with and that I met with, I would say, account for better than 90% of the condominium construction going on in this country. And again, those people were much in favour of it and felt it was their duty to do something for this country, and I would say they were more or less just waiting for somebody to come up with a suggestion. Now all of a sudden we have had a lot of lobbying done since this House pulled and went into the other session, and it has been done by some of the Members from this House, and it has been done on Sundays and other days of rest when they should be working their heads on something else trying to get these people, the very people that agreed to it, trying to put another idea across to them that this is taxation and trying to change it.

I think, Mr. President, that when we sit or stand in this Assembly we not only have to think for those who are capable of making the money themselves, our bigger job is to help those that cannot apparently help themselves, that has been my political philosophy and I guess it will be mine until I die. But I stand firm on my conviction on this, I stand firm on it, I am willing to discuss, I am willing to make minor adjustments, but the over all policy I do not think can be faulted and I am not in any way willing to walk away from my duty to the people of this country. And I feel that my duty to the people of this country is to give the people housing, get the three and four members of a family out of a two bed room house, because if we do not do it trouble is going to come on our hands. And I feel that by God's help we can accomplish and clean this town and the other towns up that now have sub-standard buildings in them.

We have gone to the Caribbean Development Bank with an approach to increase the $10,000 financing to $35,000 to $40,000, and we feel certain that we are going to get it. Mr. President, there has to be other money coming on this, and this is where the financial institutions must once more begin to bear a responsibility to the country. And again, it is nothing unusual when some banks will make $5 or $10 million profit a year in this country to ask them to put aside, say be $40,000 on a long term basis to provide housing for our people. No one is going to run away from that, because they have it too good here, and I am sure that the Members of this House will see the wisdom of this bill and that it will be passed, and future generations will see that we did not put our heads into the sand like the proverbial ostrich that we found the problems as they came up, and we provided for our country men.

If I am wrong, I stand more to lose than any other man in this country I think, because I have the biggest investments in this particular field. And if I am ready to bear the burden of it, and I have already started it, that no one can convince me that a man from abroad that is coming in here to build a hundred units, and from that hundred units which can be built in two years he is going to walk away with four million dollars that he should have ten homes in this country from which he has probably paid $20,000 to get them built. I think it is a ridiculous suggestion for anybody to confound this thing with direct taxation and to keep casting up of an already burning situation, because we are not all fortunate people and these evils can sometime consume all of us. Thank you.

MR. NORMAN W. BODDEN: Mr. President, I agree that some means must be found to provide the funds that are needed for our badly needed housing scheme, which I wholeheartedly support. However, I believe that there are other avenues that should be fully explored before considering the one that is proposed here. I too have heard various opinions being expressed as to the far reaching effects this bill could have on present and future developments in our Island, such as the amount of $2,500 at this stage is negligible, but what would prevent this amount from being doubled or trebled in the future.

MR. NORMAN W. BODDEN (CONTINUING): or too that this levy would in fact turned a development tax that could spread to local as well as foreign investors.

It is my humble opinion, Sir, that we must avoid any measures that would tend to create concern or alarm in the minds of our investors. And here I am reminded of a quote by one of the great presidents of the United States, President Grant, where he said, "On all subjects I shall have a policy to consider but none to enforce against the will of my people". That is my position, Sir. Thank you.

CAPT. HARRY S. KIRKCONNELL: Mr. President, I come to this Assembly this day instructed by my people that they are in opposition to this amendment to the Development and Planning Law. I have many reasons for my opposition, I realize, Sir, as the other Honourable Members have said, we do need low cost housing, and I sympathise with those in need, and like the Honourable Third Elected Member are trying in my district to do something to help, but I feel this could have far reaching effects. I feel we remaining a $7,500 levy per unit is a very unfair taxation. Some condominiums may cost $50,000 others may cost 1 million, when we consider that a flat rate is being charged on each, Mr. President, I feel that this is unfair.

The people who will purchase the lower price units will be those with less money. It is true I am sure that much profit is being derived from the construction here, but nevertheless, the condominiums will be used with people who are not fortunate of making money by the millions.

I may have misunderstood the Third Elected Member of Executive Council in his deliberation, where he stated that the developer or builder would simply be out of his interest on his money for the period of time that the house was under construction. If I understood him correctly, I find no mention of this in the proposed bill. I need further explanation on this, and again, Mr. President, I feel I can endorse my colleague the First Elected Member from Cayman Brac in saying, that the one and a half percent stamp duty would be a fair approach, it would correct what I have mentioned here before as being unjust due to the difference in the valuation of the condominium units. It is a system of taxation in these Islands that are readily accepted, fortunately being one of the very few taxes we have to pay, I do not think that would create any problem, and certainly, Sir, it would be according to our investment and not a levy on every unit.

So I would ask that very serious consideration be given to this bill by all Honourable Members of this House realizing that we are responsible to the future generations of these Islands, and what we do here could have far reaching effects on our future. Thank you, Mr. President.

MR. CRADDOCK BEAKS: Mr. President, we have an old proverb that says, "Do not kill the goose that lays the golden egg", at this stage I do not see that we should give them the type of pressure that should buy us squeeze one egg a day out of it instead of one.

This proposed amendment, Mr. President, deals with one sector of development and has completely left out all others, and my personal view, I do not feel that it is quite fair. We have some of the most multi complex office space investors into this country that are spending millions of dollars on a building and receive for probably eight to ten dollars a square foot in an office, why should these people - investors be left out? We have the banks that are great investors, why should these be left out? These are the things, Mr. President, that I take a view of. Again, it was made abundantly clear to me a few days ago by the Third Official Member, that all material imported for these buildings are duty paid to its full amount. If they are paying the full duty, and we have other investors in this country that are not paying any duties, what can they contributing to this country and the poor?

Since it has been proposed, Mr. President, to go to a select committee of the House, I would rather say, what I would like to say or want to say, rather than having a long two hours debate here trying to expound it to you, Sir, or to the House on the whole, but as it stands presently, Sir, I can not give a wholehearted support to this

MR. CRADDOCK EBANKS (CONTINUING): amendment I have to see some other amendment brought in or this one deleted. So until or if it is agreed that we should go in a select committee of the House to deal with this particular amendment, then Mr. President, I would not say anymore.

MR. PRESIDENT: Are there any other speakers?

MR. BENSON O. EBANKS: Mr. President, I was hoping that I was going to get some time to do a little bit more research on this proposed amendment, because I heard some matters introduced in the deliberations that I am unable to find in the amendment as it appears before the House, but it appears that the debate may be closed if I do not speak now.

I would like to begin by saying that I am very conscious of the need for long term low interest funds to be made available to those in need for housing. In fact, it is or was a plank in the platform on which I campaigned for the election. I did not have to wait the figures of the recent census to know that many people in this country are living in sub-standard and overcrowded conditions. However, Mr. President, I am not satisfied that the bill before us is the answer to the problem. In fact a committee having been established to study the needs of housing, and I would presume to recommend remedies or measures of financing the necessary housing, I would have thought that this Honourable House would have been acquainted of the findings of that committee before it was presented with a bill to seek funds, the quantum of which is unknown to this House.

It was said that, (and again I am hoping I did not misunderstand the Third Elected Member), I understood him to say in his deliberation that persons or developers who elected the second alternative under the proposed bill, that is, the proviso whereby they could build a home would get their money back once this home was sold. I would hope that is not the case, Mr. President, because then that would surely be showing favouritism, because I do not see anywhere under the first option that the developer is able to get his money back. And I would have hoped that any money paid into a housing fund for this island, however it was secured, if it is secured by a levy of some sort it would not go back to the person from whom it was levied, because there is going to a be continuous need over the years for this money. But as I said, I cannot understand the conflicting proposals here, and I too Mr. President, will have to say that I would not support the provision of the two Members of Executive Council having the right to determine whether this money do paid up front or at the end. The proposed amendment as I understand it imposes the penalty at the time of the application, and it would only be if the two Members of Executive Council consider it appropriate that it could be deferred until the end. The proposal here is not that the money be paid at the end of the development as was mentioned by one member of Executive Council in his deliberations.

The other aspect of this proposed amendment, Mr. President, that I cannot readily see in the proposed amendment is where this proposal would attach to tourist related developments only. I would think that as the Strata Titles Registeration Law stands, it would be possible for someone to make a proposal for a development intended for local people under that law, and there is nothing in this proposed bill as I see it to exclude the levy being imposed on those units.

Mr. President, as I said in the beginning, I am very conscious of the need for money to be made available for housing in these Islands at affordable rates of interest and appropriate length of time, but I do not subscribe to the view that we should automatically support a bill which as I said, does not contain any information or there is nothing contained elsewhere before this House to say that the amount proposed will solve the problem, it will even subscribe the amounts needed or whatever, and above all, Mr. President, I see this bill as being one that could build a false sense of expectation in our people. As I understand it there are enough condominiums approved already to keep the labour force going for 18 months, 2 years to 2 and a half years. And since this law is not retroactive it would mean that no benefit could be seen from this law or would be seen from this law for some years down the road, and I would hope that Government

MR. BENSON O. WILKS (CONTINUING): can find it possible to introduce some measure the benefit of which will be immediate, lasting and to supply the amount which is necessary to meet the needs of this island.

I am making my contribution to this bill in vain, Mr. President, against the background of the statement made by the Member piloting the bill, that he will move a motion that this bill be sent to a select committee, and there I will hope to be further enlightened if this is possible on the full intention of the bill or there we can hammer out alternative solutions. I certainly am not supporting the bill in its present form, and I would have to think long and hard before I support it in any amended form, but as I understand, if the committee that is in, or the Chairman of the Committee that is in existence can come up with some clear figures and give some clear indications where the proceeds of this measure are the only alternative and that it is an adequate amount to solve the problem that it will not create more funds than are necessary, and above all, Mr. President, that the homes when constructed will be allocated on a fair and equitable basis.

Mention was made that in other developing countries a look had not been had at the needs of the less fortunate, and I agree with that statement, Mr. President, but we do not have to look far a field either to realize that one of the most politically charged areas is that of housing. And I would hope that legislation necessary to regulate the assignment of homes or granting of the loans or whatever will be forthcoming together with the bill or whatever version of a bill that might emanate from the committee. I thank you, Mr. President.

HON. G. HAIG BODDEN: Mr. President, I read the bill before the House as a simple amendment to the Planning Law. Under the Development and Planning Law a fee is charged for each application for building that comes before the Central Planning Authority. This bill would make as it says in Clause 2, a fee payable in addition to any other fee payable for an application for planning permission in respect of a condominium scheme or an intended development under the Strata Titles Registration Law. It is known that the Member introducing the bill said that these funds would help with the housing shortage. What has happened is, that of all the many fees collected under the Planning Law that the application for a condominium or a particular type of development has been singled out to carry a heavier burden than any other type of development.

One Member I believe mentioned favouritism, not in this particular respect but I agree that favouritism is a word that could be used in connection with this amendment. But why should not a condominium be singled out for special treatment when there is no secret that as far as development on condominiums in Cayman and in other areas provide for the developer a profit which is exorbitant to use a mild word? At the present time in this island many one bedroom condominium are selling for an excess of $100,000. I do not know what it cost to construct a one bedroom unit, but by no stretch of the imagination could it cost anyway near the selling price, so each condominium unit is sold in my estimation for a figure which includes a handsome profit.

I recently knew of a development, not on the West Bay beach but in a remote area of the island in which a one bedroom unit was being offered for US$130,000. So it is not unfair to people who are making the type of profit that the figures would suggest they are making to be asked to favour the Government with $2,500. No Member so far has claimed that the $2,500 is an excessive fee, and suggest that the fee should be merely $100.00. The suggested fee can be paid at the time of the application. One Member correctly said that it would be favouritism if this fee is not refundable and the option for construction is refundable, that is if a person is allowed, instead of paying the fee to put up a house and then if that house is sold and the money goes back to the developer. There is a big difference between the two. If we take a figure and say that instead of paying $25,000 as the planning application fee for ten units the developer would elect to use the alternate option and construct a house at a cost of $35,000.

In one case the developer is putting up money which could easily be added to the cost to the seller, in the other case he is constructing a house which carries with it all the contingencies of

HON. G. MAIG BODDEN (CONTINUING): constructing a house. He has to find labour, he has to oversee it, he has to watch that material is not wasted. In the sum of the constructed house, I agree with the Honourable Member from West Bay, when he hoped that houses so constructed would not be given out by favouritism, but would go to well deserving people.

It is not the hope of Government that this Bill will cure the housing problem, this is only one of many pieces that should be put together in order to relieve the shortage. The shortage in my opinion is not as acute as it would seem on the surface, although it is indeed a shortage. I believe the intensity of the shortage is caused more by demand, caused more by the desire of people to own houses.

If one looks at the recent statistics given to us by the census one will see that in 1960 our population was 6,322. In 1960 it had doubled to 8,511 and in 1970 it had doubled to 16,677. At the same time in 1960 we had 1,875 households, in 1970 we had 4,428, so that while our population doubled between 1960 and 1970 our houses also doubled between the same 10 year period. So that in effect the construction of houses has kept pace with the population, but what has happened is that the standard of living has risen and people are now demanding houses which twenty years ago, and prior to that time they did not demand, and this is a good sign because we see that the new generation of people are ambitious, they are earning good salaries and they want houses of their own. And if the census people were in error and the number of houses had not doubled with the number of populations doubling you can look at another statistics which clearly shows that housing has in effect, although not to a desirable standard, it has kept pace with the population.

In 1960 the average number of people per household was 4.5, ten years later in 1970 that had decreased to 4.1 and in 1979 the average number of persons per household had again decreased to 3.8. So these figures show that while in 1960 4.5 people were living in a household in 1979 only 3.8 people were living in a household. Also if one looks at another statistics on housing one will see that the number of owner occupied houses number at 2,000 out of 3,428, or in other words 57.3% of the houses occupied are occupied by the owners of the houses. The census gives these figures as 60%, but I like to be more precise. What has really happened is that the method of building and the method of financing has changed over the twenty years and nobody, nobody has taken any note of it, people have seen it happen but they have not gotten down to grips with it and tried to remedy the problem.

In the years before 1960 a house was built by its owner, mostly men, who had worked at sea, the house was constructed over a long period of time, five, sometimes as much as up to ten years for completion, and people slowly acquired their own houses by this method of wait, save and build. And this was perhaps suited to the time when a man married a wife and soon after went to sea, and his family lived either with his parents or her parents and there was no need for a rented house, but that has changed and now people want instant houses, houses created at once. In fact one of the opposition during the recent election mentioned in one of the many papers circulated that people were making good money, he said, "Oh, yes, you are making good money, but after you have paid for your groceries and you have paid your telephone bill at the end of the month - (and listen to this carefully) - at the end of the month is there enough left to build a house". So there are people who believe that houses could be created instantly, and no one, not even the largest wage earner in this country can build a house with one month's pay. It is an investment which requires many years of hard work and saving, either before or after the construction of the house. And this is where I believe that the fiduciary institutions in this country have failed this country.

There is no long term mortgage whereby a reasonable person can own a house. Some of our young couples start out in life making good money, a young married couple today, age twenty to twenty-five, are earning even by our standards a substantial amount of money, but that person if he tried to get a mortgage would be asked by one of our unsympathetic bankers to pay eight hundred dollars a month or one person's income for a

HON. G. HAIG HUGHES (CONTINUING): loan to build a house. So what we need is for investment people to put up money for 25 and 30 year mortgages so that ordinary people can be able to meet the monthly payments.

There is in operation, a low cost housing scheme (I should not say low cost) - which is financed partly by Caribbean Development Bank. Caribbean Development Bank through one of the local banks has made money available, but the ceiling on the borrowing at the present time is only $15,000, this amount of money is totally inadequate for a house and if the ceiling can be increased this would provide some money. However, there is no such thing today as a low cost house, because the cost of labour and the cost of materials together makes every house a high cost house even if it belongs to a low income owner.

MR. PRESIDENT: If the Honourable Member is prepared to take an interruption, I might suspend at this stage.

HON. G. HAIG HUGHES: Yes, Mr. President, because I shall be much longer.

MR. PRESIDENT: I shall suspend proceedings until 2:30 this afternoon.

*HOUSE SUSPENDED AT 13:55 P.M.*

*HOUSE RESUMED AT 8.30 PM*

*HON G. SAM BODDEN (CONTINUING):* Mr. President, in order to complete the debate today I shall only make a few more points. As I stated earlier, 88% of houses are owned by the people that occupy them. However, there is a bad side to housing - it would seem to me that 32% of houses would also be rented and of course there are many people who desire their own homes and are unable to afford them.

All the census shows even amongst the houses that are occupied, there are many that need basic improvement. 54 have no cooking facilities - 80s no sink - 719 no bathroom or shower - 387 no toilet facilities - 805 use a bucket or a pit latrine and 120 have no water facilities. And these are very disturbing statistics and Government needs to improve the standard of housing.

One Member suggested that the stamp duty be increased from 7½% to 9% - that is putting on a 1½% stamp duty. I do not agree with this proposal as it would do two things - it would put a tax upon all real estate transactions, or at least increase the tax and so it would cause developers of condominiums to pay even more than is proposed in this bill. Because if the condominium is selling for, as I mentioned, $300,000 a 1½% tax on the transfer would be $3,000 and of course some of them would be $4,500 up to $6,000. Stamp duty now is a big part of our revenue as shown in the estimates which we have just dealt with - 10% of our local revenue comes from stamp duty. Out of the $28m local revenue, this year it is expected that we will collect $5.5m from the transfer of land and other real estate properties. So while it could be good, an extra $1.375m from stamp duty, I think it would be unfair to impose such a tax.

The opposition to the bill, and for this particular point I am not referring to Members of the House, the opposition to the bill on the outside as we heard on the radio came from people with a direct vested interest in the profits from condominiums and it is only natural that people with a vested interest would seek to protect those interests even at the expense of the public. The forum for the public was hand picked, as all forums are hand picked, to bring out the points that the people, direct in the forum, would like to have brought out. I agree with the Member who said that the forum should have included at least one person with an opposing view. All members of the forum were against the proposal and this was just not the type of forum that could give the facts to the public.

I believe that instead of running away investors, this bill might entice some investors to come here or at least to feel pride in making a contribution towards the welfare of the country - that a few years ago Caymanians were happy to leave Jamaica and one of the reasons was there was social unrest amongst the people, the people were disenchanted, they were unable to get money to purchase goods which they needed abroad and no investment was really worth anything. And in today's market, no investment is any better than the country in which it is placed. And so banks and investors have a direct interest in the political welfare of the Government.

While this bill may run away a few investors, that is very unlikely, however, it will reduce their profits in that whatever expense is incurred in the construction must be either a loss to profit or of course is bid over to the buyer and perhaps passed on with a reasonable profit again. The bill, as I said in the beginning, is an amendment to the Planning Law, it puts on the cost of planning condominium and should be accepted as other types of planning fees are accepted and I would dare say, in closing, that the proposed fee in today's money market is not half as much as when the planning fees were doubled on all types of development including residential property back in the recession in November 1976 and so while we are talking $2,500, this, in relationship to a condominium development, is not as much as the 100% fee which everybody was asked to pay back in November 1976. And that increase was brought about merely to make the deficit in the budget a little bit less. This increase is earmarked for a particular purpose which could have, as one Member said he would like to see Government do, is putting something with tangible basics and simply the needs of the Island's effects.

HON C. EALG BODDEN (CONTINUING): So, Mr. President, I commend the bill to the House and certainly some valid points have been made. There can be amendments in the committee stage. I support the bill.

MR. CARLTON J. SMITH: Mr. President, much has been said here this morning, or today, in this debate on this bill on the merits and demerits of this bill. This bill before this Honourable House today is very timely and well needed. It addresses the problem which, in the near future, could rise to large proportions as one of the social ills and could eventually tear down the stability of these Islands built by other generations.

I remember quite well during the election campaign the opposition cried out against what they considered the lack of attention to the social ills they now confronting this country. They forewarned many ideas against future construction of condominiums and for them to come back and argue the other side of the coin, I think it most ridiculous.

Mr. President, it is recognised by everyone that condominium development is a lucrative investment in development. But it has also brought development and benefits to this country and I say here that it must be fully supported in a fine democratic society such as ours.

Anyone who enjoys the benefits of this country should stand by us and help us with our problems also. Only by doing this, Sir, can we have long and continued prosperity.

$8,500 per unit of construction of condominiums, Mr. President, is not a fabulous figure when one considers the prices they are sold for and the benefits and the profits made by the investors. If I understand it quite right, Sir, this Government is willing to allow the developer to pay this amount any time from commencement to completion and in stages. But Government would profit the second eliminating and only look at this as a penalty if they did not help in our main goal which is reasonable housing for our people. And to look at this as two, is to only trying to lose the real meaning behind this bill because the same thing could have been done by raising import duty on materials. But I think this Government was very honest and truthful and laid our plans open to the people.

The alternative plan calls for the developer to build from plans applied from Government in an area selected by Government and to build and sell at cost. The developer, Mr. President, in most cases has most of the local construction labour tied up in his project as well as having been able to bring people on work permits many of whom become a drain on the housing market by taking the home for rent that maybe our locals could have rented.

Also, Mr. President, the developer has access to materials purchased in bulk and with all our said advantages could build much cheaper than a local person wanting to build a home.

Mr. President, this is only being asked to build a home for the local and when it is finished the investor is assured by Government a buyer and the money to repay what he has expended. What more could an investor ask for and how very little would he be contributing?

In conclusion, Mr. President, we are only asking for a chance to ensure housing for our people in this time of our building boom and we are asking those who are able to help.

I thank you, Mr. President.

HON TRUMAN M. BODDEN: Mr. President, it has been said that a rose by any other name is just as sweet a rose.

I want to just analyse today, as probably one of the last speakers other than the Honourable Member winding up, really whether this House does not really agree on the principle that this law deals with, if he agrees with it, Mr. President, then really it is only a matter of distinguishing the finer points of the law.

HON TRUMAN M. NORONA (CONTINUED): The reason for this law is a shortage of housing. I believe all Members here today agree and everybody here has complained on the issue that we must do something about the shortage of housing. I doubt very much, today, recognising the fact that we answer to the electorate, if any Member of this House would really say that they are not supporting the principle of creating housing in these Islands - creating it for the local problems and creating it as a responsible one. So that principle, Mr. President, and the duty to the electorate must override the duty to anyone else in this country.

I believe that home ownership is one of the strongest principles of stability, be it political, economic, civic or whatever other form it may be looked at, and I think it is the duty of everybody in this House to do everything possible to create economic stability. If you have one or two unhappy investors, which apparently there is only one that we know about out of the multiplicity of them because nobody has ever come to me about it, then you must weigh that against the unhappiness that could arise by not having sufficient housing in this country, and if you weigh the two you will realise that the duty of this House is towards our people.

Cayman Brac is not affected, nor is Little Cayman and therefore I would hope that in this respect the two Members from there would look at that amendment which takes them completely out of it.

Let us look at what solutions have been put forward. Out of the debate in this House which opposes this bill, only one solution has really been put forward and that solution is to increase the stamp duty under the stamp duty law. Now what is the difference between taking the money under one law or taking it under another? So those Members who have put that forward agree that something has to be done to raise this money. The only difference really, Mr. President, as I see it to several of the Members, would be that we would alter the section in this amendment, alter the title and they would be happy with it. But, in principle we are/are exactly the same thing - a small percentage of money is being raised for a good purpose.

If you look, and as other Members have pointed out, at the Caymans under the stamp duty law, you would have to do practically the same as has been done here, but in other words. So it is a matter of distinguishing how we are always achieving the same thing. What the problem seems to be, Mr. President, is perhaps summed up in a Greek Aristotle who lived some 2,500 years ago, when he said that the law is reason free from passion - in this instance it is perhaps suffering from infected political passion. I think what the Member who is moving this bill has put us is a very simple answer to trying out any of the finer parts of the law - he has really said he is going to move that it goes into select committee. I would like to see that select committee called - a member of the builders' association (Cayman Islands Building Contractors Association Ltd) called, a developer who is involved in the matter, perhaps also call a member of the public who, at this stage is endeavouring to build a house and perhaps also call the only opposition which I have really heard to this which is Mr Dixon and just really ask him whether he feels that this law, having looked at it as a whole - having been told the problems that we have which maybe he does not really realise and really ration him whether he thinks that $3,500 as a contribution towards the stability of his investment in this country for condominiums on the building of one house for every ten of his condominiums, is really a high price to pay. And I am sure that what the result of that select committee will be, is that the consensus of opinion, perhaps exclusive of the opinions already expressed which may not have been founded on the principle of full knowledge of the circumstances locally, will be that we can amend this law on the finer points of it and really come back to this House with what is in the interest of our people and the interest of development.

HON NORMAN M. HODGEN (CONTINUING): So I would ask Members to look at it in the light of that, that it is one thing to stand up and object to something in principle - it is another thing to go in there and deal with it in detail, try to work out a solution to the problem and come back to this House with whatever a majority of that select committee may feel is a proper report. And, if necessary, as Members know, with a minority report on it depending on whether that becomes necessary.

Thank you, Sir.

CAPT CHARLES L. KIRKCONNELL: Mr. President, under Section 81 of the Standing Orders, I have an explanation here, Sir. The Fourth Elected Member of Executive Council said that the suggestion was made that a 1½% tax would be put on all real estate. What I said was that a special stamp duty tax of ½% on all documents above a certain value, excluding residential homes.

Thank you, Sir.

HON G. HAIG BODDEN: Mr. President, I would just like to admit that he made the exclusion, but on a point of explanation what I said was that the stamp duty law applies to all real estate possessions. But I know he said what he was suggesting excluded residential which is a little different.

MR. SPEAKER: Are there any other speakers in the debate? Does the Honourable mover wish to reply?

HON JOHN B. MCLEAN: Mr. President, I would like to thank Members for their contribution to the debate.

As I stated I will make a motion that this bill be taken to a select committee and that will give Members a better chance to put their views forward. It will also allow those that are concerned to have a chance to share views with us and I am hopeful that we will be able to come up with something that will be in the best interest of both our people and investors to this Island.

So, in conclusion, Sir, I would like to say that from the debate this morning many valid points have been taken and I am certain that with the enlightenment of Members in this House we will be able to come to some decision that will be suitable.

Thank you, Sir.

MR. PRESIDENT: The question is that the bill entitled "Development and Planning (Amendment) Law, 1991" be now read the second time. Would those in favour please say "Aye"? Those against "No"? I think the "Ayes" have it.

CAPT CHARLES L. KIRKCONNELL: Mr. President, did I not understand the First Elected Member that he was making this into a select committee?

MR. PRESIDENT: That can only be done after the second reading according to Standing Order 49. It is now open to the Honourable mover of the motion to move that the proceedings would stand referred to select committee.

CAPT CHARLES L. KIRKCONNELL: I apologize, Sir.

HON JOHN B. MCLEAN: Mr. President, I move that the Bill entitled "The Development and Planning (Amendment) Bill, 1991" be referred to a select committee of the whole House to be considered clause by clause.

MR. PRESIDENT: It is being proposed, under Standing Order 39 (1), that a Bill intituled "The Development and Planning (Amendment) Law, 1981" should stand referred to a select committee of the whole House to be considered clause by clause. The motion is open for debate.

HON. ANDREW O. SHAURIS: Mr. President, I would like to move that that amendment be amended to read "with powers to send for persons and papers" and I am wondering whether the Member does intend the whole House on the Elected Membership of the House?

HON JOHN E. MCLEAN: Mr. President, I would like to leave it as I have read it. Every Member of this House will have a chance to put forward their views and I think that is the normal way for it to be done.

HON THOMAS M. BODDEN: Mr. President, if I may merely refresh the Honourable Member's memory, Standing Order 70, sub-order (1) states that every select committee shall have to send for persons, papers and records. So I think that power would be there whether we include it or not.

MR. PRESIDENT: I think for the avoidance of doubt under the Legislative Assembly's Immunities, Powers and Privileges Law, it is perhaps wiser to appoint the select committee to adopt, as has been suggested from this side of the House, that the select committee be specially empowered to call for papers and documents and call witnesses. I think we have been through this before - ex abundanti cautela.

HON THOMAS M. BODDEN: I submit, Sir. I submit to your ruling, perhaps we can just adopt Standing Order 70 then which would give the whole lot.

MISS ANNIE RUDAH BODDEN: Mr. President, I should like to be informed if and when this committee will meet. Will we meet and come back to this Session or is this for the June Session?

MR. PRESIDENT: I think we had better finish the question first and then the Honourable Member who has moved the motion can explain how he wishes to proceed.

I will put the question that the matter stands referred to a select committee which will have power to call for witnesses and papers. Will those in favour please say "aye". Those against "no"? The "ayes" have it.

As it is a select committee of the whole House I will nominate the Honourable Member presenting the Bill as chairman of the select committee and I would suggest that a quorum of the committee as a whole be 7 plus the chairman - that as this is a select committee of the whole House that the quorum might equally be 7 Members plus the chairman.

If there are no dissentions, unless I will simply take that as agreed.

Does the Honourable Member wish to make any statement about when this committee would meet and whether it would be reporting back to another sitting of this meeting?

HON JOHN B. MCLEAN: Mr. President, I would suggest that we try and make a start tomorrow at 10:00 o'clock and as soon as a report can be made we would report back to this House.

HON G. HAIG MORROW: Mr. Chairman, if we are going to start tomorrow, I am wondering if we could start at 9:00 o'clock because an Exco meeting is scheduled and as have not met in about three weeks and we would like to finish it in one day.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I also have a committee of the sub-committee of the Finance Committee - we have the member from N.W. out here and I think we are due to meet with him on the 10th I think.

MR. BENSON O. FRANKS: Mr. President, it seems to me that if this committee is going to really do its work, maybe the commencement of the sitting should be put forward some days rather than try to commence it tomorrow or the day after. The bill was debated today and obviously Members have varying views and I think they should be given some opportunity to put these together so that when they come to the committee, probably worthwhile suggestions can be made readily.

MR. PRESIDENT: I point out that under Standing Order 70 (7), the first sitting of a select committee shall be held at such time and place as the chairman shall appoint - so that I am not trying to delegate from the Honourable chairman's right to summon a committee when he wishes, but merely to try and give Members some idea of when the first meeting is likely to be.

HON JOHN B. MCLEAN: Mr. Chairman, if it will give the Member time to clear his mind, I will be happy to wait until Wednesday and commence the committee's meetings.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, may I ask if he would have the report of the Housing Committee, if he has had their findings to put before the select committee on Wednesday?

HON. JOHN M. BODDEN: Mr. President, the findings of the Housing Committee cannot, I do not think, at this point relevant to this Bill and we have not yet been able to get all the statistics that we have been trying to put together. That can come at a later date, Sir.

MR. PRESIDENT: Well as the chairman of the committee has announced that he would like to start on Wednesday at 9:00 o'clock, it will then be with the committee to agree with the chairman future deliberations.

HON DENNIS M. FOSTER: Mr. President, what I am not so clear on, Sir, is he going to report back at this session, because as far as I know we have no other business or will he report at the next session, Sir?

HON JOHN B. MCLEAN: Mr. President, I would like to report back to this session.

MR. PRESIDENT: There is no difficulty about this. We can simply adjourn until a date to be announced by the Clerk on the conclusion of the select committee's deliberations.

The Clerk has drawn my attention to Standing Order 71 (1), it is normal to give 7 day's notice to any witnesses appearing before select committee.

HON THOMAS M. BODDEN: Mr. President, I would hope that we would not have to summons them, but rather we could merely call them, if that was compatible with the Clerk's procedures. If we were to compel them I think we have to give them notice, but I am sure that they would come and contribute to that select committee happily, I would have.

MR. PRESIDENT: Well I think that concludes today's proceedings.

HON JAMES M. BODDEN: Mr. President, before the business of the House is concluded I would like to rise and suggest that you be empowered by this House to send a telegram of congratulations to Prince Charles and that it should be done on behalf of the people of the Cayman Islands and the Legislative Assembly.

MR. PRESIDENT: I take it that all members will support that.

## ADJOURNMENT

MOVED BY HONOURABLE DENNIS E. FOOTER.

MR. PRESIDENT: The question is that this House do now adjourn.

Before I put the question, I would like to refer to one incident that has arisen during this meeting that one Member of the Assembly was subject to some verbal abuse by a member of the public in the precincts of the Assembly.

The bill on redistribution is severe enough to say that if this happens to a Member even on the way to the House or returning from the business of this House, under certain circumstances this can lead to a criminal prosecution. So I felt that I should make it known to the public that such behaviour from members of the public cannot be tolerated either within the precincts of the House or when Members are coming to the precincts of the House on their business or returning home or leaving the House afterwards.

I will now put the question that this House be now adjourned.

QUESTION PUT: AGREED. AT 2:16 P.M. THE HOUSE ADJOURNED UNTIL 2 P.M. TO BE NOTIFIED TO MEMBERS OF THE CLERK FOLLOWING THE CONCLUSION OF THE SELECT COMMITTEE'S REPORT ON THE PLANNING AMENDMENT LAW, 1981.

STATE OPENING AND FIRST MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON THURSDAY 12TH MARCH

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON ORRIS H FOSTER, MBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS |
| HON DAVID H HANNICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON TASKEL G JOHNSON, CBE, JP* | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN* | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON RALPH T BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |
| HON JOHN B MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |

ELECTED MEMBERS

| | |
|---|---|
| MR GARSTON C SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DALMAIN D EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR NORMAN W BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HULDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MARRY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR CHADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

* ABSENT

ORDERS OF THE DAY

THURSDAY, 18TH MARCH, 1981

1. REPORT OF THE SELECT COMMITTEE OF THE WHOLE HOUSE ON THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1981

TO BE LAID ON THE TABLE BY THE CHAIRMAN THE HONOURABLE JOHN B. McEFA

TO MOVE THAT THE REPORT OF THE COMMITTEE BE ADOPTED

THIRD READING FORTHWITH

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THURSDAY, 12TH MARCH, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

REPORT OF THE SELECT COMMITTEE ON THE DEVELOPMENT & PLANNING (AMENDMENT) BILL, 1981 - LAID ON THE TABLE

HON. JOHN B. McLEAN: Mr. President, I beg to lay on the Table of this House the report of the Select Committee of the whole House on the Clauses of the Development and Planning (Amendment) Bill, 1981.

MR. PRESIDENT: The Report is ordered to be laid on the Table.

HON. JOHN B. McLEAN: Mr. President, I move that the Report of the Select Committee on the Development and Planning (Amendment) Bill, 1981 be adopted.

Mr. President, I have to report that the Select Committee met yesterday to study and make the necessary changes to the Development and Planning (Amendment) Bill, 1981. I feel, Sir, that the Bill in its present state is much more workable than before and will be much more accepted by the general public. Also, Mr. President, the Bill in its amended state has the input of every Member of the committee.

Although there was a lengthy discussion the amended Bill was agreed upon by all Members.

Mr. President, I move that the Report be adopted.

MR. PRESIDENT: The question is that the Report of the Select Committee on the Development and Planning (Amendment) Law, 1981 be adopted. The Motion is open for debate. If there is no debate I will put the question.

QUESTION PUT: AGREED. THE REPORT OF THE SELECT COMMITTEE WAS ADOPTED.

HON. JOHN B. McLEAN: Mr. President, third reading forthwith.

THE DEVELOPMENT & PLANNING (AMENDMENT) LAW, 1981

THIRD READING

CLERK: The Development & Planning (Amendment) Law, 1981.

HON. JOHN B. McLEAN: Mr. President, I move that a Bill entitled "The Development & Planning (Amendment) Law, 1981" be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

MR. PRESIDENT: The question is that this House do now adjourn. Before I put the question I should perhaps inform Members that I have to attend an investiture at Buckingham Palace on the 24th of this month, so I will be leaving on Saturday the 14th and returning on the 29th of March. Mr. Foster will be acting Governor during my absence.

I will put the question.

QUESTION PUT: AGREED. THE HOUSE ADJOURNED SINE DIE.

SECOND MEETING OF 19TH (1987) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON MONDAY, 25TH MAY, 1987

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CMG., OBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON. DAVID R. BARWICK, OBE. | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON. V.G. JOHNSON, OBE., JP. | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON. JOEL B. MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |
| HON. TRUMAN M. BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON. JAMES M. BODDEN | MEMBER FOR TOURISM, AVIATION AND TRADE |
| HON. G. HAIG BODDEN | MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION |

ELECTED MEMBERS

| | |
|---|---|
| MR. GARSTON J. SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. DALMAIN D. EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. BENSON O. EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. NORMAN W. BODDEN, MBE. | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE H. BODDEN, OBE. | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT. CHARLES L. KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT. MABRY G. KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |

ORDERS OF THE DAY
EIGHT DAY
MONDAY, 25TH MAY, 1981 COMMENCING AT 10 a.m.

1. PRAYERS BY THE REV. DELMONT TIBBETTS

2. REPORT OF THE FINANCE COMMITTEE (Meetings held on the 15th of April, 1981 and Friday the 8th of May, 1981)

3. QUESTIONS -

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO.17: Will the Member make a statement concerning the procedures and methods used when employing Non-Caymanians and Caymanians to ascertain suitable qualifications, character references, experience, etc.

NO.18: Will the Member state how many persons are employed in the Cayman Islands Civil Service and -

(a) how many are Caymanians
(b) how many are non-Caymanians
(c) how many were recruited locally
(d) how many were recruited from overseas.

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO.19: How many persons have been granted Caymanian Status by the Protection Board from the enactment of the Law up to the 30th day of April, 1981 and from what places of origin, the number of males and females and dependants?

NO.20: Will the Member make a statement concerning the method of operation of the Canteen at the Police Barracks, who is in charge of the operations, and whether members of the public are allowed to purchase alcoholic drinks, and the hours, etc.?

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER

NO.21: Will the Member state -

(i) What amount has been collected for travel tax from the 1st January to 30th April, 1981 and whether the full amount has been paid into the Treasury?
(ii) What amount of Travel Tax was collected from passengers on Cayman Airways and Republic Airline and how does this compare with the number of passengers travelling for the period as stated above?
(iii) What amount of stamp duty was collected as from November, 1980 to the 30th April, 1981?
(iv) What amount has been collected from Customs Duty as from 1st January to 30th April, 1981?

MR. NORMAN BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.22: Will the Member make a statement on the status of Government plans to introduce a water and sewage system.

NO.23: In an effort to alleviate the water shortage and to enable the public to purchase imported water at a reasonable price would Government consider the removal of import duty on this item.

NO.24: Will the Member make a statement as to any plans Government may have to install traffic lights at various intersections which are considered dangerous.

4. GOVERNMENT BUSINESS:

| | | |
|---|---|---|
| (i) | The Imprisonment (Amendment) Bill, 1981 | FIRST & SECOND READINGS |
| (ii) | The Liquor Licensing (Amendment) Bill, | FIRST & SECOND READINGS |
| (iii) | The Wreck and Salvage (Amendment) Bill, 1981 | FIRST & SECOND READINGS |
| (iv) | The Supplementary Appropriation: (1979) Bill, 1981 | FIRST & SECOND READINGS |
| (v) | The Housing Development Corporation Bill, 1981 | FIRST & SECOND READINGS |

GOVERNMENT MOTION NO.1 - CARIBBEAN DEVELOPMENT BANK LOANS
TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER
(FINANCIAL SECRETARY)

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MONDAY, 25TH MAY, 1981

10:00 A.M.

MR. PRESIDENT: The Assembly is in Session, I shall ask the Hon. Derwent Tibbetts to say Prayers.

PRAYERS

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

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

REPORT OF THE FINANCE COMMITTEE HELD ON THE 15TH APRIL, 1981 AND 8TH MAY, 1981 - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the table of this Honourable House a Report of the Finance Committee which relates to two meetings held on the 15th of April, 1981 and the 8th May, 1981.

Mr. President, before presenting the Report for adoption by this Honourable House I would like to say how delighted I am to be here in Cayman Brac, especially on an occasion such as this. I hope, Mr. President, to enjoy the few days here of the Brackers in this Republic will tolerate me.

Mr. President, in proposing the report of Finance Committee for adoption I would like to speak briefly on the contents of the two meetings held on the 15th of April, 1981 and the 8th of May, 1981. At the first meeting a total sum of $190,000 was recommended by Finance Committee, this comprised three items. The first item was a sum of $150,000 proposed to be a loan to Cayman Turtle Farm. Much has been said about this financial aid already by both the Radio Station and the Newspapers, but I would like to mention briefly the circumstances surrounding this assistance by Government.

Mr. President, because of the unfortunate circumstances surrounding the closing of the United States market to the products of Cayman Turtle Farm the firm was forced to wind down its operation, wind it down to the extent of retaining only the breeders, a small stock of turtle which can at any given time resuscitate the Farm to its original operation, but Mr. President, even to retain that small quantity of breeders the Farm would have been faced with financial difficulties, and it was therefore important to them in order to maintain the operation to have aid from some external sources. This aid is the firm mentioned, would be to sustain the operation over the next three years during which period it was hoped that the authorities of the Farm would make another attempt, and hopefully a successful attempt in making the lifting of the ban by the United States Government. It was thought that there was a reasonable case to put forward, and that there would be

HON. V.G. JOHNSON (CONTINUING): reasonable consideration given by the United States authority under this present new Government.

Mr. President, this Government considered the case of Cayman Turtle Farm, because the Farm was an important part of the local economy. At one time it employed about one hundred people, and therefore it was considered to be quite an attractive local operation, not only because it employed a hundred people, Mr. President, but because the Farm itself is considered one of the attractive amenities in serving the tourist industry in these Islands. It is perhaps one of the first sights that tourists request to see, because it is the only Farm of its kind anywhere in the world.

Government therefore giving all these points the consideration which they deserved decided to make an offer to lend the company $150,000 to be repaid over a total period of 12 years which would include a moratorium of three years, and that the loan would be subject to 4% interest per annum. I think the case had much merit, and therefore Finance Committee gave it due consideration.

The next item, Mr. President, was a sum of $30,000 for staff training of Public Works Department and the Postal Department. I should mention that this was an item which should have gone forward in the Budget for this year, but it was somehow omitted.

The next item was a sum which Finance Committee laid aside for the purchase of a gift on the occasion of the Royal Wedding on the 29th of July, 1981, the wedding of the Prince of Wales to Lady Diana Spencer.

Finance Committee in recommending this expenditure expressed the view that they would like the gift to be Caymanian orientated, that is, something with a local flavour. I think this will be the case, Mr. President, there is a proposal now, which I am sure will be accepted; it came from one of the local jewellery firms to propose a set of cutlery, the handle of which is made from the local black coral. I am sure that such a gift will be a rare item among the many wedding presents of the Royal couple. In fact I understand that that set of cutlery is valued somewhere in the order of $30,000 to $40,000, but the local firm will let Government have it for the $10,000 which was voted by Finance Committee.

Going to the details of the second meeting, Mr. President, the sum recommended by the Finance Committee was $1,747,580. The first item relates to the servicing of a loan for Cayman Airways, this is the third payment towards that loan and the company came forward again for Government's assistance. However, this time the company was in a much better financial position than the last time when Government had to meet the full sum of the loan repayment and interest. This time the company was able to meet the principle repayment element of the demand, which was in the sum of $360,000 US. The Government was requested to meet the interest part of the payment, which amounted to $791,702 US. or CI$659,753.00. That was the sum that Finance Committee recommended.

Mr. President, as this Honourable House knows Finance Committee established a sub-committee to look at the financial operation of Cayman Airways. It was thought that by the time the third payment on the loan was due that the committee would have been able to report to Finance Committee, unfortunately it was not able to because the accounts for the last financial year had not yet been audited and neither had management accounts for the succeeding months been completed. However, these are shortly to be produced, Mr. President, and then the question will be raised again in Finance Committee.

However, it would appear that because of the recent new management that the company is off to a fairly good start again, and I have no doubt from the financial side of the operation that the new management will make an impression, in improving this area.

The next item, Mr. President, was a sum of $1,087, 387.00 required as the balance of funds from local revenue to finance the Cayman Brac port project. Mr. President, the cost of the port has now been ascertained and the amount which will be involved is $2,836,790.00, of this amount Caribbean Development Bank will lend to this Government a sum of $1,230,000.00, the balance of $1,406,790 will be provided from the revenues of this country during this year, although we have already spent a sum of

HON. V.C. JOLINGON (CONTINUING): $100,000 which has been included in this total sum for land and warehouse which were purchased and constructed from last year. Also a sum of $82,900 for engineering fee, which has already been paid, but the sum which is required for approval by Finance Committee and this Honourable House is $1,097,887.

The two meetings, Mr. President, approved a total sum of $1,937,580.00, this is what we will ask this Honourable House to approve in the adoption of the report.

Mr. President, although the expenditure for this year as budgeted amounts to $40.7 million, it is doubtful as I said at the Budget Session, whether this Government will have the ability to spend that amount of money. And while I personally have no objection to we spending that sum of money I will take objection if there is wastage.

I should go on to say, Mr. President, that although we are recommending another $2 million of expenditure here today I doubt very much that the budget will exceed the present approved sum of $40.7 million. But, Mr. President, in order to allay the fears of anyone as to the financial position of this Government I would like to give a brief summary of what that position was at the 30th of April, 1981. We brought forward a surplus revenue balance from 1979 to 1980 of $3,810,514.00 of which we placed during 1980 to reserve account, a sum of $4.4 million. We brought forward according to the final report which has just been produced into 1981 a surplus revenue balance of $7,537,481.00. The estimated surplus which was presented in the Budget earlier this year indicated that there would be a surplus of $5,430,921.00, but Mr. President, the performance of November and December of 1980 was far beyond any expectation, and therefore the surplus balance was $2 million above the projected surplus.

With the authority of Finance Committee, (that authority was given to me at the Budget Session), I removed $4 million from the surplus of 1980 brought forward this year, to general reserve account, leaving a surplus balance in the account of $3,537,481.00 which will be used to supplement this year's Budget by $3,361,100.00 leaving in the surplus account $216,381.00. Looking at the general reserve account, Mr. President, the amount brought forward on the 1st of January this year was $7,554,327.00 and with $4 million added to that sum the reserve now stands at $11, 354,387.00. This $11,354,327.00 is equivalent to 41.4% of the 1981 estimated revenue, which is $26,065,806.00. It is equivalent to 41.2% of the 1981 recurrent expenditure of $27,542,306.00, and it is also equivalent to 27.9% of the 1980 combined capital and recurrent expenditure of $40.7 million.

Mr. President, the original policy of this Government where its reserve is concerned, is that the reserve should always be equivalent to 3 months revenue collection or 25%. We have now reached 41.5% of revenue, and even if we relate the reserve to the total capital and recurrent expenditure the reserve is still 4% over the 3 months margin.

Mr. President, the performance January to April this year is that revenue collected is $16,487,500.00. The projection, that is to say, the cash flow projection which we did at the beginning of the year based on past performance and the estimated revenue for this year gave that 4 months revenue collection to be $14,487,668, so we have exceeded that forecast by nearly $2 million. Perhaps, Mr. President, we should await further performance of this year to see the result of the year's collection, because it is presumed that a good portion of revenue which would have been collected this year has already been paid within the January to April period.

The expenditure for the four months amounts to $8,578,210.00, which gives a surplus of revenue of $7,909,290.00. The forecast for the four months under our cash flow projection was that expenditure would have been $10,832,210.00, so we are under our expenditure projection by $3,369,000.00. Mr. President, if we were to add all of our cash in hand at the present time we would have $816,381.00 from surplus and deficit account, we would have general reserve of $11,354,327.90 and we would have had in surplus revenue for this year's operation $7,909,290.00 or a total of $19,263,997.00.

Mr. President, that $20 million is available at the present time in cash. It is invested locally, a portion of it abroad and I would

HON. V.G. JOHNSON (CONTINUING): say that it is earning a fair income. And so if this Legislative Assembly proposes to reinvest the money in some other form or to spend the 320 million at the present time, the money would be available. But I should say, Mr. President, that if it was the decision to spend the money at this particular time it would certainly put us into a corner.

Mr. President, that is briefly the financial position of this Government, and at this particular time I would ask the Honourable House to agree to the adoption of the Report of Finance Committee for a total supplementary expenditure of $1,037,662.00. I thank you, Sir.

MR. PRESIDENT: The question is that this House do approve the proposals of Finance Committee on the two meetings which have been reported. Normally under Standing Order 87(4) the question is not even put, the House is deemed to have approved the report without debate. The Honourable Member has however chosen to take the opportunity to make a statement on the finances of Government, I think it would be fair to allow debate on that aspect of his address if Members would so wish.

If Members do not wish to take the opportunity of debate .....

MR. BENSON O. EBANKS: Mr. President, I do not wish to deprive Members of the opportunity of getting their questions answered that are on the paper, and I would hope they would take the opportunity to protest themselves under the regular Standing Order. But in connection with the report just made by the Honourable Second Official Member, I am wondering whether the sum approved by the Finance Committee for payment towards the Cayman Airways Loan in November, 1980 was ever reported to the House. As far as my memory serves me it was not, and it was not included in the Estimates, so I am wondering whether the minutes of that meeting should not also have been before the House? Maybe the Honourable Member can clear my mind on that point.

HON. V.G. JOHNSON: Mr. President, the Honourable Member is perhaps correct in his submission, in that the sum of money which was approved by Finance Committee to service the second payment of the Cayman Airways loan in November last year has not yet been reported to this Honourable House.

When Finance Committee agreed to that payment it was stated, Mr. President, that the sum would be an advance to Cayman Air Holdings Limited so that they could meet the dead-line for the payment of the amount. Finance Committee established a sub-committee as I mentioned awhile ago, to go into the finances of Cayman Airways and to report back to Finance Committee. It was thought that at that particular time a decision would be taken regarding the sum advanced in November. However, I think whether the amount is an advance, a loan or an expenditure it should be duly reported here, and I apologize for this. If need be, Mr. President, I would present the report at a later stage during this meeting.

HON. G. HAIG BODDEN: Mr. President, this will not be one of my long speeches, having regard to a Member's desire to make use of question time within the limit set, which I believe is something around eleven o'clock. But the report just laid on the Table has been so very good that I find it impossible to be reticent at this time.

One Member has perhaps highlighted what could be the only negative aspect of the whole performance of this Government since November, 1976. But I would say that had it not been for the survival of Cayman Airways we would not have such a glowing economy here today, and this is one fact that I will never seek to publish, and that fact is, that we are an Island or a set of Islands and the main ingredient in our economy is proper communications with the outside world. We must have good telephones, telex, but above all we must have good, fast, efficient, dependable air services.

It is true that Cayman Airways has met with a few set-backs, lack of proper management, lack of proper airline expertise, high interest rates, escalating fuel cost, extremely low capitalization when

HON. G. HAIG BODDEN (CONTINUING): Cayman Airways was set up as a Cayman Islands' Government entity. The shares which were bought from Leeau ....

MR. PRESIDENT: On a point of order, I think the Honourable Member is beginning to debate Cayman Airways rather than the point that was raised whether the money allocated for Cayman Airways had been reported to the House. I think we must keep this a very general debate.

HON. G. HAIG BODDEN: Mr. President, I agree with you, Sir, but in the Report laid on the Table there is an amount advanced to Cayman Airways and I, Sir, am just trying to justify .....

MR. PRESIDENT: But I must make the point clear that there is no debate on the Report laid on the Table, under Standing Order 67(4). As the Honourable Financial Secretary added new matter on the finances of the country, I think that the debate should be confined to that and we should not go back on the actual report of Finance Committee.

HON. G. HAIG BODDEN: Well, Mr. President, I will confine my comments to the question raised by the Member. The Financial Secretary has answered that question and at the time the advance was made, it was made clear in Finance Committee that this money would be treated as an advance to Cayman Air Holdings so that the payments could be made on time. This is a fact that we need not be ashamed of, it is a fact which we were compelled to take action on because this Government has guaranteed the Cayman Airways loan and the Government has not only a moral but a contingent liability to assist Cayman Airways in making its payment. And so I can only repeat that the reason why the advance has not yet been finalised and put into a motion as the other payments have been, is because the Financial Secretary must await the outcome of the results of the advance.

Mr. President, I trust that I have not impinged too much on my friends' question time.

MR. C.L. KIRKCONNELL: Mr. President, under Section 23(8) of the Standing Orders I am requesting, that my question be postponed and answered at a later date.

MR. PRESIDENT: I think we should dispose of this item on the agenda, and it may be that Members would wish one hour to be devoted to question time and that we suspend those particular Standing Orders for today. If there is no further debate on .....

HON. TRUMAN M. BODDEN: Mr. President, I was wondering whether you were now closing the debate or whether it was still open.

MR. PRESIDENT: The debate is still open.

HON. TRUMAN M. BODDEN: Thank you.

I shall endeavour to lay the ground work to ensure that I stay within the Standing Order that you, Mr. President, have referred to.

The position of the economy as set out by the Financial Secretary, which shows a very large amount of free cash available to the extent of some 19.8 million Cayman dollars, I think is extremely significant. It was once said, and here I have altered it slightly, by Calvin Coolidge, that after order and liberty good economy is one of the highest essentials of a free Government. A good economy is also a guarantee of peace.

Based on the figures that the Honourable Financial Secretary has set out, there are just two other statistics that I think are very important and that are resultant to this. Based on the present position of the country with 41% of its reserves equal to the 1981 recurrent expenditure, the country is in a very strong cash position and a very strong economic position. What is more significant since he dealt with the question of the

HON. TRUMAN M. BODDEN(CONTINUING): opposite side of the balance sheet, is that the debts of this country at present together with the contingent liability of the guarantee on Cayman Airways is some $10,434,920.00 or well under the amount of cash that could liquidate those debts. But as the Financial Secretary stated, in the interest of prudence and good economics we know always where possible to finance the capital and long term projects with loans which are substantially spread over a period between the medium to long term area.

So really at present, if you look at the balance sheet of this country and you take into consideration all of the cash as against the liabilities and excluding the fixed assets which are extremely substantial, then the country is in a position where it is extremely liquid. And I stress the question of liquidity as against the position of being solvent and liquidating assets. What is also significant is, that per capita there is $6682.00 of reserve in the Government at this time.

Lastly, in a country with basically no traditional natural resources, and having survived the 1976 deficit as we inherited it together with a public debt then equivalent to what we have now, it is undoubtedly, Mr. President, an achievement in the middle of an economic recession in North America to have produced an economy as we have here. And I would only ask that those who are not in a position to either fully accept or fully comprehend the position that they would endeavour to take a process which is constructive and not destructive, and to look carefully at the position now compared to 1976.

The aim of these months revenue, these months general revenue on top of the revenue has been far exceeded, and I think now that we should aim somewhat higher than that and continue to build the general reserves, because it is I think as Mr. Coolidge stated, one of the best guarantees of peace that a country can have.

HON. JAMES M. BODDEN: Mr. President, it is a source of pride to the Members of this House to know that the finances of this country is in the position that has just been reported. It is a far cry from the words of gloom that was uttered after the 1976 election when certain elements of the society pictured the Government's budget and accounts flowing in red ink. The trouble is, the red ink had flowed before and it was just about to turn blue. It has turned blue, the finances of the country are in terribly good shape and it did not get there by accident. I take great pride in being one of those who have tried their best and brought forward the country to the point where it is today. Thank you.

MISS ANNIE H. HOUDINI: Mr. President, I have been in the Legislative Assembly since the year 1965, and although I had no aspirations to be on the Executive Council, nevertheless, I too take pride in knowing that the finances of our country have developed and reached such a state where we can boast of having this surplus amount.

But, I would like it to be understood by one and all here that before 1976 we did have some very large projects carried out and projects which will last time out of mine. And I feel that this Government or the former Government or any other Government cannot take the pride that it was established by one group, it has been a growing concern and we as Legislators should feel proud of the fact that we have been able to accomplish so much. And I feel, Mr. President, that if we really forget about 1976 and 1980 and go on fighting the cause for one and all for the good of the Cayman Islands we shall grow from strength to strength. Thank you, Sir.

MR. PRESIDENT: Does the Honourable mover wish to reply?

HON. V.G. JOHNSON: Not really, Sir.

MR. PRESIDENT: Well, I will put the question that ....

MR. DENSON O. EBANKS: Mr. President, under Standing Order 31 I crave your indulgence to make a personal explanation.

My earlier admission, Mr. President, seemed to have touched some raw nerves. It was not my intention to highlight any negative

MR. BENSON O. EBANKS (CONTINUING): ...action of anybody, my comment was based purely on the fact that the first business paper which I received had on it as item 1, Report of the Finance Committee, and I expected that to be a complete report. When I arrived at my seat this morning to find the business paper it clearly stated that it was only of the meetings for the 15th of April and the 8th of May, 1991. And since the allocation for Cayman Air Holdings on the 8th of May, as far as I am concerned was given no different treatment than the one which was approved in November, 1990, I made the point that I thought that should have been presented to the House if it had not already been done. It was not my intention to rub pepper in the wounds of our .....

HON. TRUMAN M. BODDEN: Mr. President, I take a point of order at this stage. Under Standing Order 31, it makes it very clear, Sir, that it is a personal explanation but no controversial matter may be included in the explanation nor may any debate arise thereupon. And the Honourable Member has made it clear that it is a controversial matter that he is endeavouring to explain, and now he has gone further into that controversy, Sir, and I would ask that he stay clearly within this and leave the controversy out of the use of this Standing Order, which it is clearly not geared for, it is not geared to give a second shot at a controversial matter.

MR. BENSON O. EBANKS: Mr. President, I have not raised any controversial matter, I have raised the fact that a meeting of the Finance Committee of this Honourable House which was held prior to the two which are reported has not been reported on, that is the point I have .....

MR. PRESIDENT: That is all that has been admitted by the Honourable Member concerning the Honourable Member's point.

I will put the question on the proposal that the Assembly approves the Reports of the meetings of Finance Committee held on the 15th April, 1991 and Friday the 8th of May, 1991.

QUESTION PUT: AGREED. COMMITTEE'S REPORT WAS ADOPTED.

MR. PRESIDENT: We are now technically past the time for question time. It is quite clear from Standing Order 14(1), the Arrangement of Business, that only formal business precedes question time, the presentation of papers and reports of select committees, and paid with Standing Order 67(1) the adoption of this report is normally a formality, there is no debate upon it. But I think the clear intention is to give us near as possible one hour for questions, with that in mind the cut off time for questions is normally eleven o'clock. But as we have already had a debate which has overrun eleven o'clock it would seem to me that there are two alternatives, one is to postpone oral answers to questions until tomorrow or alternatively take a suspension now and when we resume give one hour for question time. But I am in the hands of the House on this matter.

Do the Members have any preferences?

MR. C.L. KIRKCONNELL: Mr. President, question No.17.

MR. PRESIDENT: If Members wish to have an hour for question time today, I will suspend proceedings for 20 minutes and on resumption we will have one hour for questions.

HOUSE SUSPENDED AT 11:23 A.M. HOUSE RESUMED AT 11:50 A.M.

## QUESTIONS

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER.

NO.17. Will the Member make a statement concerning the procedures and methods used when employing Non-Caymanians and Caymanians to ascertain suitable qualifications, character references, experience, etc?

ANSWER TO QUESTION NO. 17.

Whenever a vacancy occurs in the Service, the Head of Department submits a Vacancy Form together with a job description to the Principal Secretary (Personnel).

The PS (P) then compares the job requirements with the Seniority Lists of serving officers with the view to filling the post from within the Service. In this exercise, merit and ability are taken into consideration, together with seniority, qualifications and experience. After consultation with the department concerned, selections are then submitted to the Public Service Commission in order of seniority and recommendation of superseding if this is considered more appropriate in relation to the job requirements.

If it is recommended that the post be filled from outside the Service either by local or Overseas advertisement, the matter is submitted to the Public Service Commission for permission to advertise in accordance with the Public Service Commission Regulations. After the post is advertised, all applications are considered by a Panel consisting of the Principal Secretary (Personnel), the Deputy Principal Secretary (Personnel), the Principal Secretary of the Portfolio and Head of the Department concerned. Applicants are required to list all academic qualifications substantiated by documentary proof, previous experience, if any, and two references. The Panel then prepares a submission for consideration by the Public Service Commission which submits its recommendations to His Excellency the Governor for the final decision.

This of course, is the procedure for appointment to the Permanent and Pensionable Establishment. In accordance with Government Regulations, the PS (P) may make temporary appointments to fill unexpected vacancies and is at present forced to do this due to the lack of local qualified staff.

As a result, it is often found that unsuitable staff on temporary appointment are often in jobs below their qualifications. Local appointments comprise temporary residents on the Islands, wives of contracted officers and wives of expatriates with permits in the private sector.

It is interesting to note that approximately 90% of contractual officers and 54% of temporarily appointed officers are employed between the Medical and Education Departments.

SUPPLEMENTARIES:

MR. C.L. KIRKCONNELL: A supplementary, Mr. President, while people are privileged to live as they choose do their life style not taken into account when they are being employed temporarily or permanently?

HON. V.G. JOHNSON: Mr. President, I do not know the answer to that one, Sir.

MR. C.L. KIRKCONNELL: A further supplementary, Mr. President. Do the Temporary staff have to produce a police certificate?

HON. V.G. JOHNSON: As far as I know, Mr. President, (and I am answering these questions on behalf of the First Official Member) all people employed within the Civil Service must produce references.

MISS ANNIE H. BODDEN: Mr. President, I should like to ask the Honourable Third Official Member if it is a fact or not that some temporary employees have been there as long as fifteen years with no permanent appointment?

HON. V.G. JOHNSON: Mr. President, I cannot recall any particular officer who has been employed by this Government for over fifteen years on a temporary basis.

MR. C.L. KIRKCONNELL: A further supplementary, Mr. President. What is considered temporary employment. What length of time?

HON. V.G. JOHNSON: A temporary employment, Mr. President, is an appointment that is not one based on permanent and pensionable arrangements.

MR. S.G. EBANKS: A supplementary with your permission, Mr. President. Is there any time limit placed on a temporary appointment?

HON. V.G. JOHNSON: Mr. President, under the staff orders, yes, there is a time on which all temporary employees should be considered for permanent appointment or otherwise, but temporary arrangements may be extended by authority.

MISS ANNIE H. BODDEN: Mr. President, I should like to ask the Honourable Third Official Member if the Public Service Commission ever has any reference to these temporary employees. In other words I am trying to say, are they acquainted when temporary employees are being recruited and put into a job?

HON. V.S. JOHNSON: Mr. President, not necessarily, the Principal Secretary of Personnel has authority to make a temporary appointments within certain levels.

MR. PRESIDENT: If there are no further supplementaries we can move on to the next question.

CAPT. C.L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER.

NO. 16 Will the Member state how many persons are employed in the Cayman Islands Civil Service and -

(a) how many are Caymanians
(b) how many are non-Caymanians
(c) how many were recruited locally
(d) how many were recruited from overseas?

ANSWER:

Statistics on Government employees are as follows:-

(a) Caymanians employed - 566
(b) Non-Caymanians employed = 320 = 094
(c) Non-Caymanians recruited locally =246
(d) Non-Caymanians recruited from overseas - 82 = 328

MR. PRESIDENT: If there are no supplementaries we can move on to question No. 18.

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO. 18. How many persons have been granted Caymanian Status by the Protection Board from the enactment of the Law up to the 30th day of April, 1981 and from what places of origin, the number of males and females and dependents?

ANSWER:

The number of persons granted Caymanian Status by the Caymanian Protection Board from the enactment of the Law up to the 30th April, 1981 is as follows:-

ANSWER TO QUESTION NO. 18 CONTINUING:

| NATIONALITY | MALE | FEMALE | TOTAL | DEPENDENTS | TOTAL |
|---|---|---|---|---|---|
| U.K. | 42 | 29 | 71 | 44 | 115 |
| Jamaican | 61 | 26 | 77 | 52 | 129 |
| Bahamian | 1 | - | 1 | - | 1 |
| Trinidadian | 2 | - | 2 | - | 2 |
| Belizean | 15 | 8 | 13 | 12 | 25 |
| Barbadian | 3 | 1 | 4 | 1 | 5 |
| Canadian | 5 | 4 | 7 | 2 | 9 |
| Australian | 1 | - | 1 | - | 1 |
| Turks Islander | 1 | - | 1 | - | 1 |
| | 117 | 66 | 183 | 115 | 288 |

It should be noted that the majority of the dependents are children and only have status until 18 years of age.

MR. PRESIDENT: Take question No. 20.

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO.20. Will the Member make a statement concerning the method of operation of the Canteen at the Police Barracks, who is in charge of the operations, and whether members of the public are allowed to purchase alcoholic drinks, and the hours, etc?

ANSWER:

The Police Canteen is operated by the Police Welfare Committee under the Chairmanship of Superintendent James Terry who is responsible to the Commissioner and Deputy Commissioner of Police in accordance with Section 4(d) of the Liquor Licensing Law, 1974 (Law 11 of 1974).

The Canteen is operated within the framework of the Liquor Licensing Law and at no time is open during prohibited hours, although under the Police Law there are no restrictions of hours and the decision to keep within the hours controlling other establishments are kept on principle.

The Canteen is open to Police Officers, the family of Police Officers, Honorary Members and invited guests.

The Canteen is not open to the general public and is supervised by the Welfare Committee. It provides an essential service to Police Officers, their invited guests and Honorary members at a minimal charge to defray cost of operation. Any profit realised is deposited into the Police Welfare Fund Account to assist in the purchase of sporting equipment, assist Police Officers in need of financial aid in the case of family illness, etc., and to help pay up the Force insurance premium which currently runs at approximately $15,000 per annum. No financial assistance is granted by Government to provide an insurance such as provided by the Welfare Committee. The Canteen in addition to the aforementioned provides credit facilities to Police Officers which would not be available elsewhere. The Canteen provides a meeting place for officers thus relieving the problem of not being able to find off duty officers should they be needed.

Accounts are audited by the Government Finance Department and an Annual Balance Sheet issued.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, with your permission I should like to ask a supplementary question. The question is this, is the Member aware of the fact that some of these policemen run their credit up to $300.00 per month as complained to me by their families?

HON. V.G. JOHNSON: Mr. President, I am not aware of that, but the Commissioner of Police did say that he felt that a direct approach on personal discussion with Members of this Honourable House would produce a better understanding of any questions or matters arising from the questions which are proposed here by this House.

MR. BENSON O. EBANKS: A supplementary, Mr. President. Could the Member state what the monthly revenue from the operation of the Canteen is?

HON. V.G. JOHNSON: Mr. President, I have absolutely no knowledge, because I have not a copy of the latest account here.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. In the answer the Member states that the Canteen is operated under or in accordance with Section 8(d) of the Liquor Licensing Law, as I understand it this could hardly be the constitution of the Canteen, and I am wondering if the Member could enlighten us on the way in which the Canteen has been constituted?

HON. V.G. JOHNSON: Mr. President, the reference to Section 8(d) of the Liquor Licensing Law is the authority by which the Canteen is able to operate a bar. As to the general operation of the institution, that is to say the Canteen, as set up as an institution within the Police Force, I am afraid I have not got a copy of the by-laws by which the Canteen is operated.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. The point I am making is that Section 8(d) of the Liquor Licensing Law permits this canteen to operate without a license, but it must be a lawfully constituted canteen, which I presume is constituted under some provision of the Police Force Law, and I am wondering if Members could be directed to that Section of the Police Force Law or whatever other law the Canteen is constituted under?

HON. V.G. JOHNSON: Mr. President, the Canteen is operated under the provisions of the Police Force Law, but I have not got a copy of the Law here, Sir. I am afraid I cannot assist the Member in this regard.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. Reference is made to Honorary Members, could the Member enlighten the House as to the qualifications for honorary membership to the Canteen?

HON. V.G. JOHNSON: Mr. President, I am an Honorary Member, I do not know if the Member would wish my qualifications. (LAUGHTER)

MR. BENSON O. EBANKS: Mr. President, may be that would help. What I want to know is what is the qualification for honorary membership, what would preclude any member of the general public from obtaining honorary membership?

HON. V.G. JOHNSON: I think, Mr. President, that is in a foregone conclusion that all institutions or many institutions appoint honorary members. I imagine that they have to be upright citizens of the community, people of integrity and other things. That is all I can say, Mr. President. (LAUGHTER)

MR. HAROLD O. EBANKS: Mr. President, this is not a laughing matter, this is serious, because the whole public could become honorary members if there is not some definitive or definitive and definite requirements for honorary membership.

HON. V.G. JOHNSON: Mr. President, since this is such a very important subject I would suggest just what the Commissioner of Police mentioned, that perhaps he would appear at some stage before Members of this Honourable House and discuss the matter to clarify points that we are not able to clarify here today.

MR. PRESIDENT: If there are no further supplementaries we can move on to question No.21.

MISS ARNIE E. BODDEN OF GNONIN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER

NO. 21. WILL the Member state -

(i) What amount has been collected for travel tax from the 1st January to 30th April, 1981 and whether the full amount has been paid into the Treasury?

(ii) What amount of Travel Tax was collected from passengers on Cayman Airways and Republic Airlines and how does this compare with the number of passengers travelling for the period as stated above?

(iii) What amount of stamp duty was collected as from November 1980 to the 30th April, 1981?

(iv) What amount has been collected from Custom Duty as from 1st January to 30th April, 1981.

ANSWER:

(i) Travel Tax revenue paid to the Treasury for the period January to April, 1981 is $362,660 which includes collections from 1980. Cayman Airways has not yet settled with Government for the period to the 30th April, 1981 and Republic Airlines to the 31st March, 1981.

(ii) The Treasury has no accurate means of comparing collections with the number of passengers travelling in any period before receipt of the passenger manifests sent by the Airlines along with collections and travel tax returns. Payments by Cayman Airways for the period January to April, 1981 is $112,088 and Republic Airlines January to March, 1981 $13,980 all of which checked out satisfactorily with the manifests.

(iii) Stamp Duty collected over the period 1st November, 1980 to the 30th April, 1981 is $3,164,334.

(iv) Customs Duty collected for the first four months of this year is $5,478,246.

SUPPLEMENTARY:

MR. G.A. KIRKCONNELL: A supplementary, Mr. President. How do these figures compare over the same period 1980?

HON. V.G. JOHNSON: I am sorry, Mr. President, but I have not got the accounts here to compare the figures. It is obvious that revenue is increasing and that the four months collection this year would be more than it was in 1980.

MR. PRESIDENT: Question No. 22.

MR. HORACE M. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 22. Will the Member make a statement on the status of Government plans to introduce a water and sewage system?

ANSWER:

Government is actively considering the introduction of a water and sewage system. A study on water has recently been completed by the firm of Stalworth and Dumbleton International and the report is now being studied by a committee set up by Government.

A committee is also studying proposals by United Nations Development programme for development of water and sewage. When these committees report to Government, a decision will be made as to how best to implement the water and sewage system.

SUPPLEMENTARIES:

MR. NORMAN W. KOHORN: A supplementary, Mr. President. Could the Member state if it is possible at this stage to advise approximately what date this project might be commenced?

HON. C. RALC BODDEN: Mr. President, I would think that it could commence before the end of the year. The Dumbleton Report on water is actually under study by a committee comprising among other people the engineer or an engineer from Public Works, some of the Public Health people. The proposal from the United Nations on sewerage is under study and in addition to that a Canadian firm has made it known to Government that they will be able to get funding from the Canadian Government to carry out a study on the sewerage.

In addition to that I may mention that very recently since this session has been prepared, we have had some contact with the EDFC and they are prepared to make some money available to Government amounting in the vicinity of half a million dollars. And providing that this money is used for one major project, the financial Secretary will soon be giving to them Government's acceptance of the grant which I understand is on very favourable terms. The money will be loaned over a fifty year period with ten years of moratorium on the principle, and the amount to be repaid over the last forty years of the fifty year period at one percent interest. So I would say that things are beginning to fall into place, and with the phenomenal revelation made this morning by the Financial Secretary, I believe that for the first time in the history Government is in a position to get ahead with what is going to be a very costly bit of operational infrastructure necessary for the development of the Islands. But I am afraid I cannot give a specific date for anything.

MR. GARSTON J. SMITH: Mr. President, with you permission, Sir, I would like to ask one supplementary. Could the Honourable Member inform this House whether this system will entail the whole Island or just parts of the Island?

HON. C. RALC BODDEN: The terms of reference set by Government for the sewerage is that in Grand Cayman initially the sewerage would begin in the high density areas, George Town, West Bay Beach and West Bay, but we are asking for an engineering design so constructed that it can be extended to the entire Island. We are also seeking a proposal for the Brac, at this time there is no contemplation of a sewerage system in Little Cayman. The water study recently completed by Dumbleton has suggested that in Grand Cayman a considerable amount of water is available from the West end here, this water will probably be sufficient for most of Grand Cayman. The amount that can be taken as it looks now is something in the vicinity of seven hundred thousand gallons per day. The North Side lens has a smaller quantity and would produce about a quarter million gallons of water which will probably be earmarked for the northern district, North Side, Cayman Kai, Rum Point.

The fresh water lens at Lower Valley has been depleted to a certain extent and it now looks as if the supply there will be about eighty-six thousand gallons per day. Of course the West Bay beach, from the cemetery in George Town to the cemetery is served by a diesel plant, and with their intended expansion in the autumn of this year to another one hundred and fifty thousand gallons of water per day, which will about or almost double the present capacity the entire island would be taken care of. The Dumbleton study also included Cayman Brac, and they have identified in certain areas, not the total amount of sewage, what good water which can probably be distributed later on.

MR. DENSON O. EBANKS: A supplementary, Mr. President. Would the Member state whether Government has taken steps to ensure that the water lenses identified by the Dumbleton study are not exhausted by indiscriminate use by water truck operators pending Government's decision on the introduction of a comprehensive system?

HON. G. HAIG BODDEN: At present there is no water legislation on the books, a firm recommendation of the Dumbleton report is that Government get ahead with putting in legislation to protect the lens whether a system is set up to distribute it or not. And I think there will be coming to the House in the near future, a short bill to cover what the Member was asked to be taken care of.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. Following on the last answer, would the Member state whether Government views the introduction of the legislation to constitute a housing authority with greater urgency than the legislation to protect the water lenses?

HON. G. HAIG BODDEN: I believe, Mr. President, that one is concomitant upon the other and they should run simultaneously.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. Is the Member saying that he will be presented with a bill at this sitting since we have the Housing Authority Bill?

HON. G. HAIG BODDEN: I think, Mr. President, the Member knows that I did not say that. I said the two should run together, in other words Government should view them both as priorities, but it does not necessarily means that the legislation must appear today or on the 10th of December. But what is a fact, is that Government is actively pursuing both lines of development and the legislation will come, and I hope that the Member will support it when it comes.

MR. NORMAN W. BODDEN OF CAYMAN JUST TO ASK THE HONOURABLE WHIP TO ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 24. In an effort to alleviate the water shortage and to enable the public to purchase imported water at a reasonable price would Government consider the removal of import duty on this item?

ANSWER:

Government is not at present considering the removal of import duty on water. There is no large scale importation of water and therefore no need for such consideration as there are very few consumers to receive any benefit from such relief.

SUPPLEMENTARIES:

MR. NORMAN W. BODDEN: A supplementary, Mr. President. Perhaps the Member might not be fully aware of the large importation of drinking water that is taking place within the last two to three months, this is a fact, and it is not only on assistance to locals but to our tourism industry as well; and with this being a fact, I wonder if the Member would consider bringing forward legislation at the next sitting of this Honourable House to effect removal of duty from this essential item.

HON. G. HAIG BODDEN: Mr. President, the customs statistics I believe will bear out the answer to this question that there is no large scale importation of water. What I would call large scale importation would be if a tanker came here with a load of water and that load of water was in the amount of say, a couple of hundred thousand gallons or even a million gallons.

It is true that some of the more affluent people in our society are bringing in purified water in very expensive containment, and I believe these people can well afford to pay the duty. I do not think that the amount of water being imported would be very large, and to answer the second part of his question as to whether I will bring a motion to remove the duty, this question, Sir, should be directed to the Financial Secretary who is in charge of import duty.

MR. NORMAN W. BODDEN: A supplementary, Mr. President. I think the arrival of a water tanker into Grand Cayman or the Cayman Islands would indicate that there was a water surplus instead of a water shortage, and it is a water

MR. NORMAN W. DONDON (CONTINUING): shortage that I am referring to. The firm that I work for has imported within the last eight weeks, I would say, four thousand gallons of water, and this water is bought by the middle income people, high income and by the poorest of people.

. . . I realize that my removal of duty would have to be referred to another portfolio, and I wonder if I could ask the Honourable Member if it is brought forward if he would support it?

HON. G. HAIG BODDEN: Mr. President, I can only say I will have to wait and see the motion and then make up my mind as to whether the motion is necessary or is political. I would also like to say that four thousand gallons do not a lot of water by today's consumption that would last eighty people one day or one person for eighty days, so it is by no stretch of the imagination any statistics which would urge one to interfere with the customs duty.

MR. BENSON O. EBANKS: Mr. President, I have a supplementary. Is the Member suggesting that an individual drinks fifty gallons of water a day? And a further supplementary, I am unsure both at the same time with your permission, Sir). Is the Member aware that during the dry season gastroenteritis affects particularly young children among the less fortunate in the society often to the extent that our local medical facilities are unable to deal with them, and the cases have to be sent overseas at great expense to Government. And also that in many instances death result to these infants?

HON. G. HAIG BODDEN: Mr. President, fifty gallons per day per person is the normal quantity consumed in the more developed countries.

MR. BENSON O. EBANKS: Not in drinking water.

HON. G. HAIG BODDEN: The instance of gastroenteritis is caused from impure water, it is not caused from a shortage of water and the doctors will tell you that a precaution for that is the boiling of water for twenty minutes, and particularly for small children. All drinking water, if there is any doubt that the drinking water is impure should be boiled for twenty minutes before it is consumed, and the cases were caused by drinking impure water rather than from not drinking enough water.

MR. NORMAN W. DONDON: Mr. President, I have a supplementary. With the Member's knowledge of statistics on importation would he say how much water has been imported by the various merchants into Grand Cayman for the last three months?

HON. G. HAIG BODDEN: Mr. President, the Member himself seems to be an authority on that. I do not know.

MR. BENSON O. EBANKS: Mr. President, a supplementary. Could the Member state whether the amount of duty paid on say, a gallon of water is in excess of the cost of propane or electricity to boil a gallon of water for twenty minutes?

HON. G. HAIG BODDEN: Mr. President, the duties paid on imported water is twenty percent, it is also totally pursuant of the cost on propane. If the Member can find the cost of a gallon of water and measure the quantity of propane required to boil that water for twenty minutes therein will lie his answer.

MR. PRESIDENT: I would remind Members that we have five minutes left for question time.

MISS ANNIE N. DONDON: Mr. President, I would like to make a statement and then a short question. As I know the price of water is ninety-one cents a gallon, and I did not even know that you could import water until I got that information from the very poor people. And I would like to know, Sir, what benefit would be lost by the Government by trying to help these unfortunate

MISS ANNIE H. BODDEN (CONTINUING): people, who many of them do not even have cisterns?

HON. G. HAIG BODDEN: Mr. President, I do not think any poor people are importing water.

MISS ANNIE H. BODDEN: Mr. President, they are too poor to import it they have to buy it when it is already imported by the well-to-do merchants.

HON. G. HAIG BODDEN: Mr. President, I do not think any poor people are buying imported water.

MISS ANNIE H. BODDEN: Mr. President, a statement. I am very convinced they are, because they do not want to die from drinking this impure water now that mostly every cistern is dry.

HON. G. HAIG BODDEN: Mr. President, they do not have to die they can boil the water for twenty minutes.

MR. NORMAN W. BODDEN: Mr. President, under Standing Order 8(8) I would like that the remainder of my questions be dealt with tomorrow.

MR. PRESIDENT: We have still five minutes left, that is about the average time for answering a question.

MR. NORMAN W. BODDEN: Alright, Mr. President, I was only doing that to protect myself for this question No.24, and if it is felt that we can deal with it in the short time that is left I will then proceed and ask question No.24.

MR. NORMAN W. BODDEN OF CROSS ROAD TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.24. Will the Member make a statement as to any plans Government may have to install traffic lights at various intersections which are considered dangerous?

ANSWER:

The committee on road safety recommended, among other things in its report, that a traffic study be made with a view to provide a solution for alleviating many of George Town's traffic problems.

Government has recently approved the carrying out of a traffic study in George Town by Mid South Engineering Company of U.S.A. If this study proposes the use of traffic lights, they will be installed.

SUPPLEMENTARIES:

MR. NORMAN W. BODDEN: A supplementary, Mr. President. Could the Member please state or approximate date as to when this study might be available?

HON. G. HAIG BODDEN: The firm has been employed as mentioned in the answer, and it is my understanding that they should complete their report within three months. I may mention, Sir, that this firm has done extensive work in many small towns in the State of Florida and they have planned to carry out a comprehensive study in which they will count the number of cars or vehicles circulating in George Town, entering and leaving, tallying the traffic at the peak hours and looking at road intersections; but they claim that the study can be completed and available to us in about three months from the date they got started, which should be anytime now.

The cost of the study will probably be in the vicinity of $25,000.00 and finance committee will shortly be asked to approve this expenditure.

MR. PRESIDENT: If there are no further supplementaries .....

MR. BENSON O. EBANKS: Yes, Sir, I have a supplementary. The Member has stated that Government has approved the carrying out of a traffic study by a specified firm, and he said that the Finance Committee would be approached regarding the finances. Would he state whether any firm agreement has been made with this company?

HON. G. HAIG BODDEN: Before I answer that I trust that the Member is not planning to object to this study when it comes.

MR. BENSON O. EBANKS: I want to know if you have committed an expenditure?

HON. G. HAIG BODDEN: The Firm has sent a proposal to Government, Executive Council has examined the proposal, the Commissioner of Police and the Traffic Superintendent, together with the Director of Public Works have looked at the work and Executive Council a week ago or a couple of weeks ago gave their approval in the echams. If the Members of Finance Committee fail to approve the money there will be no study, but I can see that we are going to have ardent support from the Member that brought the question, and the other one seems to be a little bit more difficult.

MR. PRESIDENT: I think we can take it that question time is now closed. This will be a suitable time to suspend until 2:30 this afternoon.

HOUSE SUSPENDED AT 1:00 P.M.

HOUSE RESUMED AT 3:30 P.M.

## THE IMPRISONMENT (AMENDMENT) LAW, 1981

### FIRST READING

CLERK: The Imprisonment (Amendment) Law, 1981.

MR. PRESIDENT: A bill intituled "The Imprisonment (Amendment) Law, 1981" is deemed to have been read the first time and is set down for second reading.

### SECOND READING

CLERK: The Imprisonment (Amendment) Law, 1981.

HON. DAVID R. BARNICK: Mr. President, I rise to move that a bill intituled 'The Imprisonment (Amendment) Law, 1981' be now read a second time.

The introduction of this bill, Sir, has been timed to coincide with the completion of phase I of the construction of the new prison at Northward. It is hoped that it will be possible to open the prison early next month, a notice declaring the prison for the purposes of the statute has been prepared and has been gazetted.

With the opening of the new facility responsibility for the care and control of convicted prisoners will pass from the Police Department where it has been to a new department known as the Prison's Department. The introduction of the new system makes it necessary that certain changes be made in the existing law, that is the purpose of this bill. In spite of the length of the bill, Sir, the changes which it makes have been limited to essential ones. Like the prison itself, it is intended that the legislative frame work for the new service will appear in two phases, the second phase which I expect to take the form of a completely new law will accompany the fulfilment of the second phase of the building programme at the prison. Hopefully, that will be this year, and at that time it is hoped that all committed Caymanian prisoners can be incarcerated here rather than a greater

HON. DAVID B. BARWICK (CONTINUING): part of their number serving their sentences in Jamaica as hitherto.

In spite of this being to some extent, Sir, a stop-gap measure, it does make some fundamental changes in the local prison system and gives a proper place to modern penal techniques. It does away with some things which it is no longer necessary to retain, such as and extra mural prisoners, for example. It provides that the new prison service will be headed by a director who will be adequately supported by professional staff. The Bill lays emphasis on the better rehabilitation of prisoners and encourages them while prisoners to further their education and to acquire trade skills. In preparing the bill close attention has been given to the minimum standards relating to imprisonment of offenders which has been laid down by the various United Nations Agencies.

As Members will see, Sir, the bill spells out in plain language the fact that prisoners while in prison are obliged to work, yet at the same time it provides that they shall receive token payment for the work they do, and Honourable Members have already voted funds to enable these payments to be made. I do not propose, Sir, at this stage of the bill's progress to deal in detail with the various individual provisions contained in the bill. I hope that all Members will welcome it, and the progress which the bill reflects in the imprisonment system of these Islands.

Mr. President, Sir, I beg to move that a Bill intituled "The Imprisonment (Amendment) Law, 1981" be now read the second time.

MR. PRESIDENT: The question is that a bill intituled "The Imprisonment (Amendment) Law, 1981" be now read the second time. The motion is open for debate. Does any Member wish to speak to the motion?

MR. BENSON O. BLAKE: Mr. President, I was somewhat relieved by the remarks made by the Member presenting this bill, but I am also somewhat confused, because while I realize that the Memorandum of Objects and Reasons does not form part of the bill I thought it was unfortunate that attention was not called to the fact that the classes of prisoners to which the Member referred to in his debate, that is week-end prisoners, extra mural convicts and the suspended sentence are no on was being divided from the existing law. And it was also said that the changes have been limited to essential ones, and I wondered whether the removal of those sections were in fact essential.

I realize that with the passage of time the existing Imprisonment Law, (that is Law 14 of 1975) would require amendment in its approach to the handling and care of prisoners, and also the fact that the new prison is going to be instituted will necessitate the changes that are suggested necessary to support the new department of prisons. I realize that this bill makes provisions for prisoners to be released on license by the Governor, acting in his discretion on such conditions as he may deem fit.

Mr. President, the week end prisoner and the ability to grant remission of sentences under the existing law in my opinion - (that is suspended sentences, was a forward step when it was introduced. I can only speak from personal experience of those persons I have talked to who enjoyed or was afforded these privileges under the 1975 Law, and I assure you, Sir, that they appeared to have worked well. It is an accepted fact that the approach to penology in western countries today is based on the rehabilitation of the prisoner rather than on his punishment. The whole emphasis is to see that the individual is brought back into society with as little stigma of prison life as possible and to equip him by education and the teaching of trade to resume a normal life upon his discharge in society.

When we go into the committee stage on this bill it will be my intention at that point to question and argue on the necessity for removing those provisions, that is, I will have to be convinced that they are necessary for the smooth running of the prison, because we have to remember that there are different classes or different types of prisoners. In our law today almost the most minor offence carries with it very severe prison terms, and it is only in my opinion, it is only in the cases of repeats and very hardened criminals where very stringent and harsh treatment should be ...

MR. HANSON G. BRANKS (CONTINUING): meted out to them.

With regard to the question of payment for work, that also is not new, the old bill provides for that, may be the system under which they were paid calls for revision. As I have said, with passage of time and experience of the operation of the law I accept that amendments may be necessary, but, Mr. President, what really does disturb me somewhat about these amendments or some of the amendments is, that it follows very closely the arguments that were put forward from 1975 against the present bill, and I am wondering whether they have been done with the benefit of proper advice or whether they are being done to achieve a purpose other than those which I mentioned earlier, that is, the rehabilitation and discharge of prisoners with the least amount of stigma from their term of imprisonment.

It is good to know that we are reaching the stage when we will no longer or hopefully no longer have to send Caymanian prisoners to America except in exceptional circumstances, possibly for incarceration. But I hope that this bill adequately or makes adequate provision for ensuring that when persons other than those of Caymanian origin are convicted that we do not have to put them in our local institution, otherwise we will be reversing the system and the new will be as bad as the old, since it seems to me that many of the prisoners that are being convicted today are of origins other than Caymanian. So instead of sending a Caymanian overseas to learn the tricks of the trade we would be putting the expatriate in our prison to teach them the tricks of the trade. So I hope that Government is contemplating an arrangement whereby these persons will be sent off of the Island immediately upon their conviction to serve their sentences, or if that arrangement cannot be done I hope that Government will consider deportation as an alternative rather than to incarcerate these prisoners along with our own. I think that is vital if we are going to achieve the aim which this bill sets out to do.

I have, Mr. President, questions on certain sections as I have said, but I will deal with these as we go through the bill in committee stage. I thank you.

HON. G. HAIG BODDEN: Mr. President, the bill before the House while the emphasis placed in the 1975 Law on the care of short term prisoners to the proper care of those who are incarcerated for longer periods. While the 1975 Law contained many embellishments of the penal system these privileges were extended in some cases only to those who were serving a period of less than six months, and it is perhaps this singular instance that the Minister has referred to, because I have with me a copy of the Hansard of that 1975 meeting when my colleague from Bodden Town said that one of the things he was against in that 1975 Law was that the Landmark that we are proposing to give to only for persons sentenced up to six months, they are not the people that need the help. Any man sentenced to prison for six months can pretty well stand on the corner and make it, the man we need to help is the man that is sentenced for five or ten years, and that is the man unfortunately that this bill, that is the 1976 bill, is not covering.

With the establishment of the new prison and with the economy being assured it is necessary to make these amendments, so that modern day rehabilitation procedures can be used. This bill deletes the week-end prisoner; the week-end prisoner was a person who, while serving a sentence under the old law, could be let out of prison at nine o'clock on Friday morning and return to prison at seven o'clock Sunday night. This particular ridiculous section of the old law has been abused and many offences were committed by week-end prisoners while they were enjoying the furlough from prison. And a recent case that came to mind is mentioned in the Compass of May the 18th this year, a certain man had been brought before the Magistrate, Mr. Milton Hercules, for an offence which he had committed while enjoying the privileges of a week end prisoner. And Mr. Hercules said, and I quote from the Compass "You were one of those week-end prisoners", Magistrate Milton Hercules commented, adding that he thought such releases were a complete waste of time. This is the argument which the opposition had put up in 1974 to this new idea which had been introduced into our penal system.

But while this new bill take many .....

MR. BENSON O. EVANS: On a point of order, Mr. President, if the Member would refer himself to the definition of "week end convict" which is now called "week end prisoner" .....

HON. G. MAIG BODDEN: That is not a point of order, Mr. President, the Member is trying to make a speech.

MR. BENSON O. EVANS: I am making a point of order, Mr. President, he is misleading the House on

HON. G. MAIG BODDEN: Mr. President, may be he does not understand points of order, but that is not a point of order.

MR. PRESIDENT: The point of order being raised must be stated briefly if the Member will proceed.

MR. BENSON O. EVANS: The point I am making, Mr. President, that "week end convict" as defined in the Imprisonment Law of 1975 is exactly contrary to what the Member is saying.

HON. G. MAIG BODDEN: Mr. President, it is not a point of order. Mr. President, the Member fully well knows the "week end prisoner" as stated in the 1975 Law which I have here was exactly as I made in my submission. If you will permit me, Sir, I will read Section 20 of the Law. "Internal committee, if of exemplary conduct, may be granted weekend leave reporting out of prison at 1800 hours on Friday (6 o'clock Friday evening) returning back to prison at 1900 hours on the following Sunday (7 o'clock Sunday night). Weekend leave privilege may only be granted to a convict who has passed his trainee period and served one complete month as an internal convict character". The point that the Member missed completely was that this Law had been designed to take care of prisoners who were serving only six months because any other prisoner was sent off to Aruba.

I know several years have passed since 1975 and his vision has been dimmed, but the facts are surely on record. The weekend prisoner was given certain privileges, these privileges were granted to prisoners serving only six months because they were not granted to our long term prisoners who at that time, and still are incarcerated in the Aruban jail.

The bill before the House also deletes the old provision in the 1975 Law which allowed prisoners to be worked from pay. Under that section prisoners with the approval of the Governor could be hired out, not only to any Department of Government but to any private person, and the Prison Department would make a charge of 1/3's of the normal rate of pay for the work and half of the proceeds would go to Government, the other half to the prisoner. The new bill does away with that section, which I think was very degrading to the prisoner putting him out of work for the benefit of the Government. And these were things that I fought on my colleague fought in 1975 when that bill was introduced, and if the Member who has just spoken thinks that we are now contrasting the things we were against then he is absolutely correct, because they were wrong then and they are wrong now.

The new bill makes provision that the prisoner shall work and that he may be paid a token sum which I suppose will only be a dollar or a couple of dollars a day, and this is his money which will be given to him when he leaves the prison and money which he can use. So this new bill is trying to induce in measures which hopefully will be acknowledged by the prisoner and hopefully will help in his rehabilitation, because if the prisoner is to be helped it will have the impetus - will have to come from himself.

The Governor of a New York prison, Governor Maddox once said, that if we want a better prison system we will have to get a better grade of prisoner. And this in turn, if there is to be any education for the prisoner it must come from within, and he must want to help himself along with whatever help he is given by society. This new bill also introduces a principle or a principle which can go long way in encouraging the prisoner to be of good behaviour. If he is of good behaviour provision is made so that

HON. C. HAIG BODDEN (CONTINUING): the prisoner can be paroled after he has served a part of his sentence. After he has served at least one year's imprisonment or one half of his sentence whichever shall be the greater the prisoner would come up for parole, his case history would be examined and the Governor acting in his discretion would have the right to grant release on license or parole. The prisoner so paroled would come under the supervision of the probation officer, and if he behaved himself that would be the end of his sentence. However, a convicted prisoner if he did not behave in an exemplary manner would be detain again.

As the Member piloting the bill made clear, this new bill has every intention of going about the rehabilitation of a prisoner, but not in the same fashion as the 1976 bill did. This bill is looking for long term results in the hope that the number of recidivists who now come back to prison will be curtailed. As indicated this bill is only a stop-gap measure, this amendment to the 1975 Law is only a stop-gap measure, because the prison is not complete. When it is occupied next month it will only be able to take the prisoners that are now in the George Town jail. The prison has been built in three phases, the first phase contains cells and all the other prison facilities, guard rooms, houses for the staff, kitchen and so on. The second phase will be additional cells which will hopefully at that time take all the prisoners that are in Jamaica, and when it is finally completed the female prisoners, which after the first occupancy of the new jail will be staying in George Town, will then be moved up to Northward.

And looking at the report which was tabled in the House this morning from the Police one will see that the number of long term prisoners has dropped considerably in the Jamaican jail and so the facilities at Northward should be adequate to cope with all of the prison staff. I may also say that from 1975 my colleague and I were strong advocates of having a prison in Cayman rather than having to send our prisoners abroad.

The Member who spoke on the bill also said that he would hope that we will send away any expatriate prisoners who are convicted in our courts so that they will serve their prison term in their own country. This matter of a prisoner serving the time in his own country has been for many years now under active consideration by the United Nations, and they have for sometime been exchanging or exchanges of prisoners between countries. I do not want to go into all the details of this, but perhaps this can be arranged with another country through the Foreign Office with regards to sending expatriates to their home countries to serve the prison sentence.

He also mentioned that deportation be an alternative to a prison sentence for an expatriate. Under the Caymanian Protection Law as it now stands the Judge of the Court may deport people, also any person who has served a sentence here and who is not a local person could be made a prohibited immigrant by the Immigration Officers, they have to make an application to Executive Council and a person could be made a prohibited immigrant, a person can also be deported by the Court. And it would seem to me that deportation as an alternative to incarceration may not be a sensible thing to do in all cases, because I feel that a person who has committed a serious crime like murder should not be run from simply by deporting him to his own country. So this deportation cannot be an alternative to a prison sentence in all cases, although for minor offences a deportation order might be sufficient, like say, an immigrant working without a work permit, that person could be deported, and I would think that would be sufficient punishment, but when it comes to serious crimes I cannot support deportation as an alternative to a jail sentence.

When the prison is completed a comprehensive law will be brought to the House in which perhaps more changes will be made in the prison system. I feel that while we should not make rest homes out of the prison as in now form, we must humanize the conditions in the jail. The present Government has been criticised for spending a lot of money on the prison providing it with proper facilities, but I believe we owe this to the prison population, and I am all for any system of work or training which can better the individual which can raise his standards in life. I believe that this prison when properly run will be a step forward in improving the conditions of those who for some reason or the other have been sent there.

Mr. President, I have no intention of going down this bill section by section, but I have carefully compared it with the

HON. G. HAIG DODGSU (CONTINUING): 1975 law which we are now amending and I am completely satisfied that this is a decided improvement on that law. And I will agree with my friend, the Member who already spoke that some of these amendments have come about simply by the fluctuation of time... When that law was passed back in 1975 some of the sections were perhaps copied from an older law, some were brought in from media bills from other territories, but things have changed and some of the changes that we are making is not because the bill was bad at the time but because of the passage of time, and we now seek to remedy the defects of that bill while at the same time improving the penal system.

MISS ANNIE E. HANSEN: Mr. President, I have to repeat what I said this morning, that I have been in the Legislative Assembly from 1963, I think that gives me 18 good clear years. And I will say, the Government from then right on up to this present day each particular group must have done something some good. I am sure they made a lot of mistakes like has been made and will always be made, but I really must say that I resent all this reference to the past Government. I was a part of that Government and I did my part in my humble way, and I am sick, tired and disgusted of hearing about we have done nothing, from 1975 onwards everything has been done.

Well, Mr. President, I would like to tell you that in those 18 years I would say, the first man that I heard mention that we were doing a wrong thing in sending our prisoners to Canada was the late Captain Ashton Reid, he emphasized this almost every session, we are making a grave mistake. And I feel today that this bill, if it is any improvement of the 1975 one it is due, I would say to his advocating a change.

Now, Mr. President, I take no credit for being in the Assembly that I have accomplished so much, but I will say this, that any work women against abuse men for the past years I have done a marvellous job and I am going to continue with God's help until 1984.

Now, Mr. President, I feel that prisoners should not be exactly exempt from society, but for the grace of God we all could be in jail. I am sure that a lot of things that have been done and people have received punishment because of who was who, not that they did not deserve to go to jail but they were influential enough to engineer means and ways to keep them out of prison.

Mr. President, I feel that lately there have been some very harsh decisions. I know a little boy from my district, he is not an angel by any means, but I do not think that he should have been sent to prison for one long weary year just because he happened to drive a car when his license had been revoked, and the poor little brute was trying to make a few, I would say, honest shillings, and he was fool enough I would say to drive a car outside of the surrounding place where he was working. He has been sent to prison for one year, and I think that is a disgrace when people who have done crimes, all kind of things, have gotten by without even one day in prison.

Now, Mr. President, I think that discretion should be used when it comes on putting sentences on people. If you have committed murder, I believe what the Bible says, "An eye for an eye and a tooth for a tooth", but at least I might be a little more generous, but we should always see that a crime gets the particular punishment it deserves.

Now, Mr. President, there is one part in this bill that I do not quite see how it is going to be managed, because I know in the juvenile court not too many months ago there were two little, I have to call them prostitutes, nothing better, their mothers could not manage them, fifteen years old sleeping with all kinds of characters and they could not find anywhere to put them, they could not send them to Jamaica, the Government. Some would not like them because it is for boys, and those two girls had to be put in jail. Now this law says, "no person under the age of nineteen years shall be detained in prison". I am saying, Mr. President, that in that manner we should have a section where we can put these girls in particular who are a menace to society.

MISS ANNIE R. HOUSEN (CONTINUING): I read not long ago in the Compass, although I have been told time and time again not to listen to anything that is put in these newspapers, but that this unnamed disease was rampant in the Cayman Islands. And I feel, Sir, that little girls out on the street fifteen and sixteen years old are very susceptible to the inveiglement of men who are of no character as to take these little, I would say, innocent girls and lead them astray. And I feel that in our prison we should have one or two rooms, whether it is in George Town or in Northward Bush, that these girls can be kept in safety. Because, Mr. President, this generation, I hate to say what I am going to say, can be likened to what Jesus said, a generation of vipers, and I feel, Mr. President, that something will have to be done to find a place where you can put these poor unfortunate little girls when I would say their mothers and fathers are to be blamed and not the children. Because at the age of fifteen I was a babe in the woods, I guess I am still in that category, because things that I have heard discussed today by lawyers I have never heard of them. And I feel, Mr. President, it is time that we woke up to the fact that we must have a prison or I would not call it a prison, a house where we can take care of these unfortunate girls. They have appeared in court and time and time again their parents refuse to have anything to do with them, we cannot manage them, well, I think the Government should take over and try to manage them that we can have a better society.

Now in the olden days I remember a prisoner, I would call the special man, but I will not, that poor brute was chained to a wheelbarrow with pig-iron I think you called it on to his feet, that was brutality, pure brutality, and I am sure that some of those who were administering this punishment might have been far worse than he was. He stole pawpaw to get bread for his children, but he served many a hard day, now thank God he has repented, I am not sure that he is still alive but the last I heard from him he was an honourable member of society. But we do need prisons, but we need to have proper supervision, we need people who will administer this law and people who are as near being good as they can. Of course I know that in this modern day we have crime abounding, we have in the Cayman Islands what we have never heard in history and that is murder. And I will repeat, Sir, that we have got to do something to curb crime. We have dope trafficking, now people who would traffic in dope, I say the extent of the law should be put on them, but when a poor unfortunate boy or girl does something I would say, alright, well, after all driving a car without having a license to earn a few shillings, I would not call that such a terrible thing as to have one year sentence inflicted on you, treated like a prisoner, their very hands mangling, so this law would be absurd. Well, I cannot agree with that altogether, but I suppose it is like a man called Arthur Morton, said, "It is a good thing that hair has gone out of vogue since all these men are wearing long hair," perhaps we will keep the lice down if they had their hair trimmed.

Now, Mr. President, this 1975 Law was like all other laws, it suited the purpose of that particular time. Now if we can improve on the law and get something better let us go with it, but let us forget about the past, the mistakes that have been made, let us go forward in unity. You know, Mr. President, if I were a married woman and not being a christian I would really resent a lot of things that go on, but we have to be like the Bible, forgetting the things that are behind we must press forward, that is what we should do. I know my colleague here on this side he was never wanted in the Assembly as much as I was never wanted, but I am sure that put me there and I am very sure my colleague on this side, the Honourable Bodden and my colleague from West Bay that God intervened and gave some defence that we can have at least an opposition. Thank you, Sir.

HON. TRUMAN M. BODDEN: Mr. President, the bill before us today is a very important bill, because freedom of the person, freedom to do that which is orthodox and which conforms to the different declarations of rights, be the European or the Universal declarations, the foundations within every society, and whenever a man's freedom is touched it should not be touched lightly. However, this society's aim must be firstly towards the prevention of crime and secondly towards a rehabilitation of prisoners. If there is any confusion between those two then, Mr. President, we are going to have a situation of the cart before

HON. TUNKU M. BODDEN (CONTINUING): the horse.

This law we are to now being amended by this bill is moving towards the more orthodox approach to penology. We live in a world where we must accept that if we run the risk and commit a crime then we must pay the price that the society within the jurisdiction of which that crime is committed has set is being fair and equitable. You cannot prevent crime by operating a prison where the likes of a hotel, and the approach of the developed countries these days is more away from the tradition of providing penal treaty more away from the position that there is the belief that every prisoner will be rehabilitated, will come out and will go back into society a new man. The aim must always be towards that but the hard reality of life within every developed society is that there are people within it that have to be punished when they inflict punishment or damage on their fellowmen.

I will agree that the transportation of prisoners to Jamaica is not a good thing. The United Kingdom abolished transportation to penal colonies as did many of the European countries many, many years ago, and in fact in some of the declarations in human rights it is regarded still as a matter which is seriously serious, if you imprison a man you do so within the confines of the jurisdiction of which he has committed that crime. I would volunteer to now arising to what will probably be, I would suggest, a convention of some sort with local legislative backing where there will be reciprocity between countries for the taking back of their prisoners and permitting them to serve their period of imprisonment within their own country. But there is a very different situation between a person who has to be sent abroad for committing a crime in a place and one who returns to a country of which he is a national to serve a part of his prison sentence, there naturally in that convention will have to be the proper information and reciprocity relating to the type and the substance of a sentence, otherwise it could be seriously abused. But at this stage it is good to see that with the bringing in of this amendment to the Law we now have a functional prison which will comply in all respects with those laid down by the developed countries in ensuring that prisoners are dealt with as prisoners.

Following with the prison, Mr. President, are other injections into the penal system, even though already spoken to, I guess the penal system, but we hope ultimately to have a remand home here and also a girls home. Further, I think some doubt or some concern was expressed on segregation of female prisoners, and in the new prison it is expected that females will be kept at the George Town prison for some time until finally cell blocks can be built on the second and third phase of the prison at Northward are completed. There are many other areas that perhaps there is overlapping, which does concern me as well, for instance, the Juveniles Court is held within the confines of a Jury Room. But until we can reach a stage that we can get these facilities then it is up to this Legislature to appropriate the money for us to do that, if you wish, with building very quickly a prison which can accomodate women separate from the George Town prison, seeking on with the remand home, because the juvenile problem is a problem these days which is becoming more prevalent and to give the support to the girls home and the continued support to Renaventure House.

With this amended Law, Mr. President, and those physical additions to what I have referred to broadly as the penal system, then I feel we have done everything that is possible to rehabilitate prisoners. However, what is most important is that crime is prevented, because once done there is damage many times irreparable damage to a person or the property upon whom or which respectively it is committed, and there continues to damage to a person who serves a sentence.

One of the good attributes of the Imprisonment (Amendment) Bill before this House is that it is going to turn imprisonment into what should have been a long time ago. It is going to make that period when a person is taken out of society, one in which he understands that he has committed a crime to society and he is paying a price for that crime. Quite frankly, Mr. President, I do not know where the sections in the Imprisonment Law of 1975 were taken from, and I believe them to be novel and peculiar to this country, but it contains within its sections that in my opinion do not relate in any way to showing that a person is paying a debt to society.

HON. TRUMAN M. HODGSON (CONTINUING): It is really, I think an over liberal version of what the American penal system ruled some years ago and which some states are now realizing has failed miserably. If you put a person in for a period of time, if a jury or a judge puts away a person in prison for a period of time and a parol board or a review board comes behind and reduces down the period of that sentence considerably then they must expect that the criminals approach when he goes to commit the crime again, is that I may be in prison ten years but I can be paroled after two or three. And I feel that the orthodox approach to crime, and that does away with what my friend earlier mentioned as - I think he referred to them as stupid sanctions or something to that effect or unessential sanctions has to be brought out very clearly, because we are in a society where as this country develops there has to be a fairly strong hand to ensure that crime is prevented.

I quite frankly looked at this many times, and with the extent of classes of sentences some of which were options of the convict really put him in a position where I think going to prison under some of these sentences were basically void of a sanction paid by the public of this Government, and the orthodox duty to society was reversed and in fact society was paying the debts of a convict. However, it must always be borne in mind that within the province of not departing from what a court imposes as a sentence under the law our duty is to rehabilitate prisoners and to ensure that their imprisonment is not one which infringes the declarations on human rights and the basic accepted principles for incarceration within the developed countries.

The third elected Member from George Town touched on the question of a person driving while disqualified. And I would like to now deal with what is a very important principle for the ensuring of continued freedom within the democratic countries, at least, and that is that people within a society have to respect the, I like, they must respect law and order, but more than anything they must respect the Courts decision. If a court disqualifies a person and that person drives, it is a direct flouting of that judge and if it be allowed to continue over a period of time then you must get a crumbling within the system of justice within this country. And quite frankly, may time that there is anything similar to a contempt of court or anything that derogates from the established system of justice within a country I feel that it should be suppressed, it should be suppressed very rapidly and reasonably harshly.

And I believe that undoubtedly within this country we have a people that are very honest, they are honestly extremely honest and what I hope found during the period that I prosecuted and even now, and occasionally I defend, that more often than the Crown win are still - or that the Crown succeeds in getting a prosecution ( before I be corrected on that by my lady friend) - are mainly on the basis that the person accused admits or admits sufficient or gives a statement of some sort, and I think we still have within the precincts of these three Islands people who are basically honest, people who approach life believing that it should be crime free and a public which believes that if you commit a crime you should pay your duty to society. That, Mr. President, I think will be borne out in this Bill and I would ask that Members when going into committee on this look at it on the principle, that they look at it from the point of view that we each live within a society which is free of crime unnatural to either ourselves where freedom of movement, freedom of speech, freedom of dress and perhaps the other eleven or twelve freedoms are fully enjoyed within the precincts of the law of which they all must operate within, and that they will look on this law as one which will assist the prevention of crime, will assist in rehabilitation of prisoners but one which must be firm and must show that people when incarcerated are prisoners and not really on a second joy ride which is paid for by society. Thank you.

MR. PRESIDENT: I will suspend proceedings for fifteen minutes.

HOUSE SUSPENDED HOUSE RESUMED

MR. PRESIDENT: Are there any other speakers to this motion? Does the Honourable mover wish to exercise his right to reply?

HON. DAVID R. DARWICK: I do, Sir, and I will try to do it within the few minutes that are remaining this afternoon.

I would like firstly to thank Honourable Members for their thoughtful contributions to all of which I paid close attention. I would refer particularly to the speech of the third elected Member for West Bay, he made a number of points about some of the bill provisions. Of those points some were dealt with fully by my colleagues and I will address myself with one or two of the others.

Firstly, he asked if Government had been adequately advised on the provisions contained in the bill. I think, Sir, that he can most fully assured that Government has been adequately and fully advised. The Government was fortunate in securing the services of Mr. Thomas Carnegie who came here in April of last year after an invaluable career in Her Majesty's Prison Service during which time he was Governor, to my knowledge, on one of England's leading prisons. Since he arrived in the Cayman Islands he has been studying our needs, he has been reviewing our laws, going through countless prison records. Sir, I know him to be a dedicated man, he has worked very hard at his task, and the recommendations which he made proved to be the foundations for the bill which is now before this House. He has done that work, Sir, in addition to the work he has done in establishing the new prison at Northward.

I now been ask to try and clear up one minor point which arose during the speeches in the debate. I think two of the Members, Sir, were addressing themselves to different provisions of the 1974 Law. The Honourable Member for Public Works & Communications was looking, I think, at section 20 of the old Law which deals with weekend leave for internal convicts, that is to say, people who are serving their sentences inside of prison, while the Honourable third elected Member for West Bay was, I think in his main speech, addressing himself to a weekend convict under section 20(1). These two classes of prisoners, Sir, are directly opposites, in the one case the man goes home for the weekend and in the other case he comes to prison for the weekend, and I think the fact that my friends were looking at different parts of the law accounted in no small measure for the slight confusion it seemed to be.

On the subject of the imprisonment of foreign prisoners, much good sense was said. The position, however, is that before a prisoner from one country can be sent to serve his prison sentence in another there have to be some kind of arrangements between those two countries, usually those arrangements are contained in a treaty, usually the treaty provides that a number of concessions are necessary to the treaties including the prisoners are consent, and that only certain categories of offences will be recognised for purposes of the treaties. Mr. Carnegie, has advised the Government in some detail on this aspect of the transferring of prisoners. It is intended to retain the existing provisions in our law about transfer to Jamaica, in the present form somehow, until they have been replaced with something which will achieve nearly the same effect. I think too, Sir, that one should take note of the fact, that in practice when a Caymanian prisoner is convicted he is not normally sent to Jamaica unless his sentence is a lengthy one, over two years, I think I am correct in saying, for some serious offence.

I would conclude, Sir, having regard to the time. I thank those Members who have spoken already and who have given the bill their support, and by telling them that I will attempt to allay any other doubts and confusions when the bill goes into committee stage.

MR. SPEAKER: The question is that a bill intituled "The Imprisonment (Amendment) Law, 1981" be now read the second time.

QUESTION PUT: AGREED. BILL WAS GIVEN A SECOND READING.

MR. SPEAKER: It is now 4:30 p.m. and business must now be interrupted.

ADJOURNMENT

MOVED BY: HON. DAVID R. DARWICK.
QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. TUESDAY 26TH MAY, 1981.

## SECOND MEETING OF THE (1901) SESSION OF THE LEGISLATIVE ASSEMBLY

### HELD ON TUESDAY, 28TH MAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CMG, CBE - PRESIDENT

### GOVERNMENT MEMBERS

| | |
|---|---|
| HON DAVID F DARWICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON VASSEL G JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT |
| HON JOHN H HOLMAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |
| HON THOMAS H BROWN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M DOBSON | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON HAIG G DOBSON | MEMBER FOR COMMUNICATIONS AND WORKS |

### ELECTED MEMBERS

| | |
|---|---|
| MR SAMPSON G SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR LEMUEL D EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DENSON O FRANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR NORMAN W DOBSON, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE BULLAH DOBSON, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES E KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MARK L KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |

ORDERS OF THE DAY

SECOND DAY

TUESDAY, 26th MAY, 1981 at 10 a.m.

1. QUESTIONS:

MISS ANNIE RULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.25. WILL THE MEMBER MAKE A STATEMENT CONCERNING THE RECENT REMOVAL OF THE LIGHTHOUSE AT SOUTH WEST POINT FROM ITS ORIGINAL LOCATION TO THE SAND CAY OFF THE SAID AREA?

MISS ANNIE RULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.26. IN SEPTEMBER, 1980 THE CAYMAN ISLANDS CORPORATION APPROVED THE ESTABLISHMENT OF AN OFFICE FOR AIR JAMAICA WHICH WAS SUBSEQUENTLY OVER-RULED BY THE DEPARTMENT OF TOURISM, AVIATION AND TRADE? WILL THE MEMBER MAKE A STATEMENT?

MISS ANNIE RULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO.27. WILL THE MEMBER MAKE A STATEMENT CONCERNING THE RELEASE OF 43 ACRES OF GOVERNMENT LAND FROM THE LEASE FORMERLY HELD BY BRANDON GREENALL?

2. GOVERNMENT BUSINESS: -

BILLS:

| | | |
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| (i) | The Liquor Licensing (Amendment) Bill, 1981 | - FIRST & SECOND READINGS |
| (ii) | The Wreck and Salvage (Amendment) Bill, 1981 | - FIRST & SECOND READINGS |
| (iii) | The Supplementary Appropriation (1979) Bill, 1981 | - FIRST & SECOND READINGS |
| (iv) | The Housing Development Corporation Bill, 1981 | - FIRST & SECOND READINGS |
| (i) | The Imprisonment (Amendment) Bill, 1981 | - COMMITTEE STAGE |
| (ii) | The Liquor Licensing (Amendment) Bill, 1981 | - do. |
| (iii) | The Wreck and Salvage (Amendment) Bill, 1981 | - do. |
| (iv) | The Supplementary Appropriation (1979) Bill, 1981 | - do. |
| (v) | The Housing Development Corporation, Bill, 1981 | do. |

MOTIONS: -

GOVERNMENT MOTION NO.1 - LOANS - CARIBBEAN DEVELOPMENT BANK TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER (FINANCIAL SECRETARY)

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TUESDAY 26TH MAY, 1981

10:00 A.M.

MR. PRESIDENT: Proceedings are resumed.

QUESTIONS

MISS ANNIE R. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH STANDING MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 25. Will the Member make a statement concerning the recent removal of the lighthouse at South West Sound from its original location to the Sand Cay off the said area?

ANSWER:

The Port Authority decided that since the South Sound Lighthouse was being dwarfed by the surrounding lights there would be an advantage in moving it to Sand Cay where it would better indicate the danger area.

SUPPLEMENTARIES:

MISS ANNIE R. BODDEN: Mr. President, with your permission I should like to ask a supplementary question. Could the Member inform me if the Director of the Port Authority knows that in the 1932 hurricane that was demolished, I should say, or dwindled down that Sand Cay at South Sound?

HON. G. HAIG BODDEN: Mr. President, I do not know whether the Director knows what the Member claimed happened, what I do know is that one of the functions of the Port Authority given to it under Section 8 of the Port Authority Law (15 of 1976), is to establish and control lighthouses and day markers. Before the work started on the construction of the new lighthouse tests were conducted in the sub-strata, the test showed that there is hard rock under the sand, and it is the opinion of the engineers that the structure will be firm and safer than it was in the original position.

MISS ANNIE R. BODDEN: Mr. President, with your permission I should like to ask another supplementary question. The question is this, can I be informed if the light that is being used now is one that operates with bulbs or something that a certain time the cylinders have to be replaced?

HON. G. HAIG BODDEN: Mr. President, nothing is eternal, I imagine it will have to be replaced. The light on the South Sound shore is a propane light, the new light on the cay will be a solar light which works on batteries, the batteries will have to be replaced every four years. The back from the sun recharges the solar system from day to day, it is so devised that it can remain fully charged for seventy-two hours during complete darkness, so that the batteries should not be replaced nor the light impaired unless we have total darkness for more than seventy-two hours.

MR. BALWIN D. SEAMEN: Mr. President, could the Member say whether there are any better advantages by moving the lighthouse to the cay for a mariner?

HON. G. HAIG BODDEN: There are decided advantages, in the first instance the light along the South Sound beach had become just another light amongst a myriad number of lights. Putting it on the cay will mean that it will be in a distinct position and can be clearly identified by mariners.

The second advantage of putting the light on the cay is that the cay itself has now or will now become marked. What had happened in the past was that the light was behind the cay rather than on the cay and it was quite possible that a mariner could mistake the cay for a part of the shoreline. Requests came to Government from mariners and particularly from local boat owners or owners of small boats, because they were finding it difficult to pick out this light, and there are decided

HON. G. HAIG BODDEN (CONTINUING): advantages in moving it to the bay.

MR. DENSON O. EBANKS: A supplementary, Mr. President. Would the Member state whether the old lighthouse was situated on Government property or private property?

HON. G. HAIG BODDEN: I do not know the answer to that question, Mr. President.

MR. DENSON O. EBANKS: Could the Member state the cost of removing the light?

HON. G. HAIG BODDEN: The cost of the new light will be something between fifteen and seventeen thousand dollars.

MR. DENSON O. EBANKS: A further supplementary, Mr. President. Is that inclusive of installation?

HON. G. HAIG BODDEN: Mr. President, the figures I gave are figures for the unestimated cost. I assume estimated cost includes installation, because installation is the most important part of the whole project.

MR. DENSON O. EBANKS: A further supplementary, Mr. President. Would the Member state whether it is considered more important that this light or that the removal of this light should have preference over the lighting of the channel to the North Sound, lights for which already exist in the Island and would mark the channel to the only accepted harbour in the Island?

MR. PRESIDENT: The Honourable Member is asking the Honourable Member an opinion, which is not permitted in question time.

MR. DENSON O. EBANKS: I am asking whether it is Government's priority to do this light as opposed to the North Sound?

MR. PRESIDENT: If so, that is acceptable.

HON. G. HAIG BODDEN: Mr. President, I have no hesitation in giving my opinion. My opinion, that both the channel in the North Sound and the South Sound lighthouse are important aspects of navigation in Cayman. However, the question from the Member is very similar to the one yesterday, when he sought my opinion in this indirect manner.

The Port Authority is currently looking at marking the channels. In fact, the Member is aware that this question had arisen before. My colleague from George Town, the Second Elected Member of Executive Council has been pressing for the marking of the North Sound channel and the work is currently under way.

MR. DENSON O. EBANKS: Mr. President, could the Member give a date by which this installation would be completed, that is the installation of the North Sound light?

HON. G. HAIG BODDEN: I do not know the date, Mr. President.

MR. PRESIDENT: If there are no further supplementaries we can move on to the next question.

MISS ALMIRA R. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 29. In September, 1980 the Cayman Islands Corporation approved the establishment of an office for Air Jamaica which was subsequently over-ruled by the Department of Tourism, Aviation and Trade? Will the Member make a statement?

ANSWER TO QUESTION NO. 88

In October, 1990, the Cayman Islands Corporation did approve an application from Air Jamaica for office space at Owen Roberts International Airport, subject to certain conditions. At the time no space was available for an office and the Corporation enquired whether or not Government would be prepared to finance the construction of additional office space for rental to Air Jamaica.

Since Government is presently considering the construction of new terminal facilities, it was decided that no funds would be provided for this purpose as work on the new facility is expected to commence this year.

As a result Air Jamaica submitted a proposal to construct their own offices at the Airport. This was considered and a draft agreement to allow this was prepared and forwarded to that company on 20th March, 1990, for their consideration. To date no reply has been received by this portfolio.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, with your permission I would like to ask a supplementary question. And it is this, was there not an agreement prepared which gave this Jamaica airline only seven days to do all the formalities, and which had not been done because of lack of time?

HON. JAMES M. BODDEN: Could you repeat the last part again, please.

MISS ANNIE H. BODDEN: I beg pardon.

HON. JAMES M. BODDEN: Repeat the last part of it again.

MISS ANNIE H. BODDEN: I said, will the Member not remember that there was an agreement prepared and the terms rendered were only seven days to do all the formalities, and which was too short a time to have this carried out?

HON. JAMES M. BODDEN: There was an agreement sent to them with a limiting time factor, I do not recall the amount of days, but there was a verbal agreement between both parties that they could have additional time to consider this, to peruse it and to come forward with a proposal. For what reason on the other we do not know the position with Air Jamaica. I personally have spoken to their representative in Grand Cayman as well as to their new Chairman, Mr. Hall, I think that is his name, and have told him bluntly if space is available you can build it we are not going to build it for you.

MISS ANNIE H. BODDEN: Mr. President, another supplementary question, please. Is the Air Jamaica the only Airline which has not been given such facilities at the Airport?

HON. JAMES M. BODDEN: I cannot say whether it is the only airline that has not been given such facilities at the Airport, because there are also other airlines that have been operating out of Owen Roberts Airport. Everybody knows the limited factor of space at Owen Roberts Airport and the dilapidated condition in which it exists today.

Air Jamaica has been operating in conjunction with Cayman Airways for a very long time. I made a proposal to the Chairman of Air Jamaica that they handle us in Jamaica, allow us to put one of our personnel there, we handle them in Cayman, allow them to put one of their personnel there. I have had nothing forthcoming from him since that, it may be, the limiting factor is because, thank God Air Jamaica has lost a lot more money than Cayman Airways.

MR. PRESIDENT: If there are no further supplementaries we can take this last question.

MISS ANNIE E. BODDEN OF CAYMAN BRAC TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 87. Will the Member make a statement concerning the release of 43 acres of Government land from the lease formerly held by Benson Greenall?

ANSWER.

The lease between the Crown and Benson Greenall dated 14th April 1969 comprises an area of approximately 420 acres which was leased at an annual rent of $700.00.

The Galleon Beach Hotel, Village of Galleon, Holiday Inn and the Casa Tres Bay condominiums are all situated on these lands.

Executive Council Members, Hon. J.M. Bodden and myself have negotiated for the release of approximately 10 percent of the said leasehold property which should comprise an area of approximately 42 acres in 4 separate parcels with one being situated along the West Bay road, one at Batabella Creek and one adjoining the North Sound. No beach land is included and all lands to be released are mostly swamp.

The Government made it known to the developers of the area in question that with the change in value of the land which had taken place since the lease was first negotiated that it felt the developers should make some contribution to the public well-being. The developers generously conceded the point and agreed to release the parcels referred to in the Government. Formal documentation of the transactions is now under way.

SUPPLEMENTARY:

MISS ANNIE E. BODDEN: Mr. President, with your permission, I should like to ask a supplementary question. Did not this investigation stem from certain matters which were discussed at the Public Accounts Committee?

HON. JOHN B. McLEAN: Mr. President, this was a private meeting between ourselves, as the Honourable Member mentioned and myself.

MISS ANNIE E. BODDEN: Mr. President, a further supplementary question. Does the Member not agree that this Benson Greenall land lease was already for tourist oriented business and not for private enterprise?

HON. JOHN B. McLEAN: Mr. President, if I may say, I think that is a bit off from the question posed.

MISS ANNIE E. BODDEN: Another supplementary question please, Sir. And it is this, when will this release be effected of this 43 acres?

HON. JOHN B. McLEAN: Mr. President, the last part of my answer has already answered the question posed by the Lady Member. I said, the formal documentation of the transactions is now under way, it is hard for me to say the exact date.

MR. BENSON O. EBANKS: A supplementary, Mr. President. Would the Member say whether the negotiations leading to the release of this property are contingent on any permits for development of the remainder of the property?

HON. JOHN B. McLEAN: Mr. President, the answer is no.

MR. PRESIDENT: If there are no further supplementaries we can take question time to be concluded.

THE LIQUOR LICENSING (AMENDMENT) BILL, 1981

FIRST READING

CLERK: The Liquor Licensing (Amendment) Law, 1981.

MR. PRESIDENT: A Bill intituled "The Liquor Licensing (Amendment) Law, 1981" is deemed to have been read the first time and is set down for second reading.

SECOND READING

CLERK: The Liquor Licensing (Amendment) Law, 1981.

HON. JAMES M. BODDEN: Mr. President, I move the second reading of a bill entitled "The Liquor Licensing (Amendment) Law, 1981". This is a very important amendment in view of some of the things that have been taking place in our Islands, and we feel that the time has come to grant certain rights to the proprietors that we hold responsible for being licensees under this law. And I am sure that this can go a long way to alleviating the conditions that exists in some areas, and I am hopeful that the full membership of this House will give this bill their full support. Thank you.

MR. PRESIDENT: A Bill intituled "The Liquor Licensing (Amendment) Law, 1981" has been moved by the Honourable Member and the motion is now open for debate.

DEBATE ENSUED:

MR. C.L. KIRKCONNELL: Mr. President, I fully agree, Sir, with the objects and reasons. I know that there are problems in the hotel bars in particular, but I am wondering if under section 22 of the old law there is not enough control there.

What in my opinion we are doing, is to create a problem or more problems than what we are going to solve. This bill in its present form, in my opinion, can lead to exclusive clubs being formed in our community, and stratify our society, which will lead only to discrimination and exclusion of decent citizens. Lord Salford and Asquith, when he was here, making notes on the Jamaican Constitution, in one of his paragraphs said, "There is at present no marked stratification of society by colour, age, wealth, class or education".

Mr. President, I feel that this Bill will cause disruption of the harmony we now enjoy in our society. If, and I know we do have a problem, let us deal with it specifically, but not in the general terms of this amendment. If the beach bums are giving trouble, which I know they are, let us be specific and let us deal with it in that light, but do not let us pass an amendment here that could lead to problems in our society. We must bear in mind that most of the hotels and bars are owned by non-Caymanians, and this, Mr. President, I think when we put the law in foreigners' hands in our own country is not in the best interest of the territory.

It mentions a licensee or his servants, some of the people there, and I take servants here as bouncers. I do not think we want to put the law in the hands of people who are not properly trained and oriented in handling the public. Mr. President, I cannot support this amendment.

MR. NORMAN M. BODDEN: Mr. President, when one elects to go into a particular type of business they must be aware of the risks involved, and a public bar in my opinion is one that has its inherent risks. It would appear to me that Section 28 of the Liquor Licensing Law, 1974, adequately provides for the handling of undesirables at licensed premises. My concern, Sir, is to further expand on this as proposed in this bill, to tend to encourage discrimination based on personality conflicts or other differences not necessarily attributable to a person's behaviour.

I do not agree that a person should be forbidden from entering a public bar through a licensee's discretion or without there

MR. UDEMAN F. BODDEN (CONTINUING): having to give a valid reason for not wanting that person there. Therefore, Sir, I am unable to support this bill in its present form.

MISS ANNIE H. BODDEN: Mr. President, the whole world must know I am against liquor, but if people choose to sell damnation to their fellow creatures they must put up with what they get.

And I feel, Mr. President, in my office people come in who are not desirable, but if I wanted them to leave I certainly should give a reason, and I feel according to this amendment, it goes on to say that, 21A (1) "For the avoidance of doubts, it is hereby declared that, in addition to such other powers as he may have under this Law or under any other law, a licensee or his servant has the right, and is deemed always to have had the right, at his absolute discretion and without giving any reasons therefor, -

(a) to request any person - (it could be you, Sir) to leave licensed premises;
(b) to forbid any person from entering licensed premises".

Mr. President, this thing is entirely too wide, Sir, we do not want discrimination. I have had repeated requests, and from local people who I consider well behaved people, they may take a drink but they, but they have requested me to see that if at all possible this bill is not put into law. Because, in one instance a young man told me he was at a certain bar and he said some people came in, they were not the cause of anxiety and neither were they, what we would call the outcast, they were in the middle group. And he said these young men came in, they never uttered one word for or against they just stood around listening to the music and the proprietress never said a word they did not say anything to her and she said nothing to them except that she went and called the police. The police appeared and said to the young man, "you must leave", they said, "well, why, we have not done anything", and one of the policeman grabbed, it must have been a small man I suppose, threw him over his shoulders, threw him on the floor and almost killed him. A certain other young man was there, and he said, "now why are you doing this?" He said, "well, this man is causing trouble" and the other young man replied, "that is not correct, he has not uttered one word since he has been in this place".

Nevertheless, the man was handcuffed, taken to the police station, and to keep this man who was apparently not liked by the proprietor, to keep him from spending a night in jail the young man had to accompany the police car or go behind in his car and obey the proceedings. Now, Mr. President, this is not a unique case and it is not right, therefore I say that under the old Liquor Licensing Law we have adequate means to deal with drunkards and other hums, but in this thing not even a reason given. The man went on to say it is getting like the Protection Law, we are not giving work permits, (but this was a Caymanian) he said, "I do not require one" but that is bad enough, but to go to a bar where you pay your money and then for no reason because may be you are black, blue, pink or green, or not in the upper class of society you are ordered to leave. It is not right, it is undemocratic and I shall not support the bill.

MR. GARSTON J. SMITH: Mr. President, I rise to support this amendment before us here today. This bill seeks to allow a licensee power to remove a person from his or her premises whenever his behaviour becomes intolerable.

My experience, Mr. President, in many instances trouble has been started by someone in some bar or restaurant, the police is called and they do not show up, sometimes they do not show up at all. Mr. President, must the owner of that premises just sit idly by and let his business be destroyed? I say, that he should be allowed the power to do something about it.

Mr. President, I think the amendment is a good one, and I support it wholeheartedly.

MR. DALMAIN D. EBANKS: Mr. President, bar rooms and clubs are places that will always have trouble. I do not know if there is any law that can be drafted to prevent trouble in clubs or bar rooms, but I will say this, when your establishments such as clubs and bars are left open to the public where any class can come in then you are really seeking trouble. I have experienced this myself, so I feel that we are giving management some protection when we amend this law. I hope that it will work successfully. Thank you, Sir.

CAPT. MANFY S. KIRKCONNELL: Mr. President, in studying this Law I know we need amendments, but I am concerned exactly what is the definition of "premises". Here in our island we have bars which are associated with hotels and many problems have arisen as to what is really the territory covered by the Liquor Licensing Law? I would like to see in any amendment a specific area defined or the area fenced or something like that, and also I feel it is our responsibility as representatives to protect the civil rights of our citizens, and I feel that this law would discriminate as previous speakers have said, inasmuch if you did not particularly like me or the way I combed my hair I could be excluded for no just purpose.

HON. TRUMAN M. BODDEN: Mr. President, as I listened to the opposition to this Bill it reminded me of the fact that the opposition accepts that there is a problem with persons in relation to licensed premises, but really nobody has come forward with a better solution. It is very simple to see a problem, to admit that there is a problem, it is not very simple to come up with a solution, and at least so far from the four Members who are opposing they have admitted there is a problem and nobody has come up with what the solution is. And I would remind them that solutions are never pure and they are never absolute, and bearing that in mind, and the fact that efforts have to be made to solve problems, I believe that within that framework they should support this Law.

One Member mentioned that there are powers in Section 22 of the 1974 Law, and if one looks carefully at that what this amendment does, is to give a power to request persons to leave premises. Perhaps the best instance of this would be where you have had a person who has already caused trouble within a bar, and perhaps smoked the bar which happens at times, under the law as it stands at present he has a right to re-enter those premises, and be they public premises they are privately owned premises and not just to cause further disruption but to continue ad infinitum along a course of action which is unpleasant, not only to the licensee, but to other persons who are within those premises. So really I see this Law, the purport of this Law to be used mainly in instances where it is obvious that a person is going to cause problems within licensed premises, and that they can be excluded before there is actually the commission of an offence as it now stands under Section 22.

The Law has been more carefully worded than the previous Section 22, in that it is the licensee or a servant approved by the Commissioner of Police in writing. So it is not any servant as is the situation under Section 22 (1) at present, and I doubt very much if you are going to find the alleged flagrant abuse of this law because two aspects operate within any capitalist country; one is if you completely and without good cause exclude a person you are losing business, and let us face it, the licensees are in business; and secondly, if there is any abuse whatsoever, as has been alleged, the licensee faces the Liquor Licensing Board which has been known to be one of the toughest boards that this country has seen throughout its history, both under this Law and under the previous Law. So I think there are two well entrenched principles that this Law will operate under, but let us look at the present situation, especially within Grand Cayman. You are going to have a continued upset and a dislike by tourism for what is commonly referred to as the beach ban to continue to either upset people within licensed premises or without.

The best way to prevent crime is to have the co-operation of those people who are interested in ensuring that that crime is prevented. Secondly, the aim must naturally be to punish people who commit crime, and I think it is very good to put the onus on licensees and

HON. PRECIOUS N. HODGES (CONSTITUENCY): their servants to ensure that licensed premises are run in a way which is accepted in the western hemisphere, or I would say, in the western block, and to see that tourism is promoted. If we keep on with the position as it now stands, accepting that there is a problem, producing no solution, we must ultimately see a serious deterioration in either the type of tourist or more so, the quality of service provided to the tourist, which will ultimately affect either numbers or the type of tourist that comes to the Island.

So I would ask that Members look at this and look at it carefully. I remember a few years ago in Barbados I chaired a meeting of the Commonwealth Parliamentary Association that dealt with this, and many of the problems there were high-lighted in all of the different countries, and unless something is done and is done reasonably quickly then we are going to have an escalation and a more complex situation in relation to this problem. So in summary I would ask that Members consider firstly, they have accepted there is a problem; secondly, no better solution has been put on the floor of this House; thirdly, it is crucial to one of the pillars of the economy of this country, namely, tourism, that something be done and that it be done quickly.

And I would perhaps refer them to the words of a Greek philosopher, Aristotle, who wrote in his book, Book III on politics somewhere in the area of 200 B.C. that the law is reason free from passion, and that I think should also be free from politics. Thank you.

MR. KENSON O. EMANUEL: Mr. President, I too would like to start with a quotation. I think it was Shakespeare who said, "I think the speaker has a forked tongue".

The Bill before us, Mr. President, on the reason for the proposed amendment it is quite well known and accepted by Members who have spoken against the amendment in its present form. I am not going to elaborate on the reasons which volleyed on my right have given for opposing this bill, but I merely endorse them. I am going to highlight other aspects of this bill which seemed to have been glossed over or not explained by persons who presented the Bill and who have spoken in favour of it....

For example, the amendment seeks to put power in the hands of the licensee or in the amendment and, persons approved in writing by the Commissioner, but this is in direct conflict with the existing provision of section 22, because section 2 needs no sanction or approval of the Commissioner. Secondly, the licensee has been so broadly extended by an amendment made by Government in 1977 that it would include every servant in the employ of the licensee. And that amendment was, (if I can read my own writing) something like this:- "Adding to the definition of licensee, "and for the purpose of responsibility for compliance and liability for non-compliance of this Law include every employee and person acting under the general control of such licensee in or about the relevant premises".

Mr. President, when under the 1974 Law a licensee made application for a license, there was requirement to prove that he had the ability to understand the importance, contents, and workings of this Law. There is no such requirement for employees of a licensee, and we know very often the persons who are employed in and about these premises who would now have the powers that are sought. I would have also thought, Mr. President, that in presenting this bill opportunity would have been taken to correct what is in my opinion a joke, in section 22 (1) caused by another amendment made in 1977, where it says, that the licensee or any constable - (and I am only reading in part) - and his employees and so on, wants to evict a person from the premises, it says "that the constable" which is included in that list of persons "must notify a police". Now I want to know the difference between a constable and a policeman. I would have thought that that would have been corrected, and in fact I wonder why it was ever inserted in the first instance.

I agree, Mr. President, that laws may not be pure on them, but an attempt should be made on same as possible to have laws that are workable and fair to the community. The persons who opposed

MR. PERCY O. EBANKS (CONTINUING): this bill were accused of not offering solutions. Mr. President, if Members at large, like myself, continue to receive bills with only the minimum stipulated time to study them there will never be opportunity for Members to put in proposed amendments in the formal way provided under Standing Orders.

I think Members who spoke said they realized that there must be an amendment, but that they wanted something specific, and it seems to me that that is not a task that is difficult or impossible. Section 22 as it now stands reads:- "If, in the opinion of a licensee, his servant or agent or any constable, any person being on licensed premises is drunk or disorderly or appears likely to create a breach of the peace he shall," - (and then this is where we get about, the constable notifying the policeman) - " and without necessarily giving a reason." (and notice this) - "without necessarily giving a reason , ask such person to leave the premises and such person shall leave forthwith". And it says that any person who having been requested to leave under the section which I read, and fails to do so can be forcefully ejected from the premises.

Mr. President, if all that is sought to do with this amendment is to broaden the powers or highlight the powers which may exist under common law to the licensee, in addition to any that I have mentioned that the law provides, it would seem to me to be a simple thing to say, so will to Section 22, if they can determine what appears likely to create a breach of the peace to be, they could go on to say, "or create or make any other disturbance or nuisance of himself". But I support wholeheartedly those Members who said that this proposed amendment that would put power in the hands of the licensee to forbid persons from entering the licensed premises is too wide, and it can be abused. I was talking to a proprietor of a business, and not a licensed premises under the Liquor Licensing Law, a few days ago and it was not in connection with this bill, and in fact it related to his inability to get a seat from Miami on the National Air Carrier. And he said, "I never forget when I am wrong". A few days ago he said, the chief duties drops into my place of business and requested certain service, and I told him that I had not forgotten the sentence which he imposed upon me and that he should take his business elsewhere.

So, Mr. President, I am stating this to indicate the type of reaction or abuse that this could permit. The last speaker tried to indicate that Section 22 as it now stands required the commission of some act before the person could be evicted, but that is not so. It says, "If it appears likely that the person is going to create a breach of the peace", he does not have to commit a breach of the peace if it appears likely. And to me, Mr. President, that in itself is a very wide power of discretion, and if the Members on the other side are prepared to accept a reasonable amendment when it comes to the committee stage to narrow down these powers, and let us define what we are talking about, I am willing to support it and I am sure my colleagues are willing to support it, but we are not going to support any amendment or any law which seeks to discriminate or unjustify society in these fields.

It also gives me some concern, Mr. President, why this bill should, in my interpretation be retroactive. Are persons got themselves in a position where they have abused the authority and is seeking protection under this amendment? Because the proposed amendment says, "For the avoidance of doubt it is hereby declared that, in addition to such other powers as he may have under this Law or under any other law, a licensee or his servant has the right, and is deemed always to have had the right"; now that makes it retroactive, and I am wondering whether it is being sought to protect someone or something by this amendment. I do not believe too much in retroactive legislation, particularly one like this, because I do not see the necessity of it. So may be we cannot get the pure amendment, but at least we can boil it for twenty-five minutes like the Honourable Member suggested with the polluted water yesterday. Let us boil this bill and see if we can come up with a reasonable solution, and then you will have our wholehearted support. And I would hope that the opportunity is going to be taken to correct that bit about a constable and a police being two different officers under the law, unless I am mistaken. I would like to be enlightened on that.

Mr. President, in the interest of time, I am not going to worry on any longer, and I hope that the Member presenting

MR. BENSON O. BRANKO (CONTINUING): the Bill and his colleagues will accept the criticism or opposition if they want to call it so, which has been offered to this bill in the light in which it is offered, that is, that we get the protection which we are seeking for the operators of licensed premises, but at the same time ensure as far as possible that our law is not abused and thereby create dissatisfaction and dissent and may even violence in our society. I thank you.

HON. C. RAIS DODDEN: Mr. President, I have heard before and I believe twice this morning about forked tongues, but I have never seen forked tongues so manifestly in evidence as this morning.

The amended bill come in for criticism, in that under Section 22 (a) (1) to be amended, the licensee or his agent could request a person to leave without giving any reason. The last speaker in 1974 was one of the architects of the Liquor Licensing Law, and that same section was passed where the licensee could ask a person to leave without giving any reason at all, and I beg your indulgence to read Section 22(1) as quoted by the previous speaker back in 1974. "If in the opinion of the licensee his servant or agent", and this was even broader than the amendment before the House, because this amendment confines the action to the licensee and his servant, not his agent, "If in the opinion of a licensee, his servant or agent or any constable, any person being on licensed premises is drunk or disorderly or appears likely to create a breach of the peace he shall, without necessarily giving a reason, ask such person to leave the premises and such person shall leave forthwith". So, not giving a reason for asking the person to leave is not something that has been introduced today it existed in the Law as passed by one of the architect who is present now.

One member mentioned something about the precise meaning of "premises". Premises as mentioned in the amended law would carry the same meaning as it does in the original law and "licensed premises" are defined in this Law as premises licensed to sell liquor under the Liquor Licensing Law. So we are dealing with a particular type of business, as one Member pointed out, a business that has its own peculiar inherent risk; and because it carries with it these inherent risks we must also bestow upon the proprietors of these premises the ability to perform with reasonability in the controlling of these premises. There is no other business in the Cayman Islands that is so tightly regulated as the liquor business. The proprietors are asked to pay a license fee, they have to make an application to the board, the building has to be constructed in a certain fashion with proper entrances, it can only be opened during specified times and must be closed at such other times. And I feel that the operators of these premises upon which Government has put so many regulations must have the right to keep law and order within his primarily owned and publicly licensed premises.

If a particular person is not wanted at a particular establishment he should take his business elsewhere. I would never want to take my business where my business was not wanted, and such a person should not have to be asked to leave, he never should have entered in the first place. Of course, there are times when a person may not know that he is not wanted, but if there is the slightest indication that the proprietors do not want a particular individual the proprietors must have the right to ask that person to leave. It is true that this amendment like any other law on the books can be abused, it is true that a proprietor may ask a person to leave simply because he does not like the looks on his face or because he does not like something else about the person. But I feel a business man should have that right, why should we allow people to crash the bars, force themselves into establishments where they are not wanted and where they become a nuisance to the regular patrons of the bar, to the people that supply the proprietor with the money so that he can pay his license fee and run his business. Why should people be allowed to force themselves in where they are not wanted, remain as long as they want, disturb, cause the other patrons to leave. This amendment is tiny one.

In the proposed amendment the licensee or his servant is given the right to request that a person should leave. He also has the right to forbid any person from entering his place of business, and I believe that even without a specific statue the operator of a business would

HON. G HAIG BODDEN (CONTINUING): have the right to ask someone not to enter.

The third elected Member from West Bay just told me that a certain business proprietor asked the Chief Justice to take his business elsewhere, and why should not the operator of a bar not have that same right? Why should he not be able to say to a person, whether he is a Chief Justice or a Member of the Assembly or anybody else, to please take your business elsewhere?

Now a proprietor would in my opinion invite all the business he can get, because he is in the bar business, because it is a lucrative business, it is a money making business, he is not there for the sake of his health, he is there because he is making money and he will want all the customers he get not a select few. But he will not want people that are denying any business from his place, and it is necessary to put forward this amendment and to pass it into law so as to give the operators a vehicle by which they can control their businesses. If a person refuses to leave the premises or his warrant approved in writing by the Commissioner may use force to eject from licensed premises any person who refuses to leave, this has always been the custom from the days of Captain Ben, he used to have a stick and forcefully ejected people who were trouble makers, and there is no reason why we should give any protection at all to people whose object of going to the bar is to make trouble.

If his purpose is merely to worship at the shrine of Bacchus and to enjoy the conviviality of the other patrons, there would be no need to ask him to leave. But unfortunately, in some places, and Cayman is no exception, we have people who are trouble makers and who go around from bar to bar with the only intent of making trouble. Some of them distort the patrons, they solicit drinks from other customers, and I think this is a timely amendment. The idea seemed to have originated from the 1974 law but has never seemed to work, although the Member, one of the architects of the 1974 law read a section that would lead you to believe that it is an easy matter to keep trouble makers from the bar by invoking section 22 of the old law.

Perhaps when that law came on the books there was not a big problem with trouble makers at the bar. We also have a special interest in the smooth operation of the liquor licensed establishments, because this is one of the ingredients of the tourist trade, and I need not add that the tourist trade is one of the main industries of our economy. And this law which would definitely exclude unwanted people from an establishment is much needed so that the establishments are continued to function for the purposes for which they were licensed in the first place, and I fully support this bill and I am amazed at the opposition to it, particularly from the draftsman of the 1974 law which is not being amended.

HOUSE SUSPENDED FOR FIFTEEN MINUTES

HON. JOHN B. McLEAN: I am sure many times in the lives of businessmen they have had to ask certain people to leave their premises and perhaps in some cases they might have gone as far as to offer to throw them out.

I am aware, as has been mentioned that businesses are owned by foreigners, this is quite true - at least the greater percentage to that way, but I am also aware, Mr. President that in many cases where the business is owned by foreigners the licensee is a local person.

I recall not too long ago, it was brought to my attention by a local person in Grand Cayman where a license was granted in her name and the business was owned by a foreigner she had been having no end of problems due to the fact that the foreigner was a money man. He felt whenever he wanted to he would bring his friends, and they would get behind the bar, they would serve themselves. This was against the law and the lady was aware that it was her responsibility to have this stopped. She tried in every way possible to talk to the gentleman, who actually ignored what she was saying.

I feel, Mr.President that this amendment will give that much power to people of this sort, not only in times of somebody coming along trying to destroy our business by wrecking the place or coming and asking a good customer to buy drinks, I feel in this case that I have mentioned if the authority was there the licensee would have the power to say, "It is my neck on the rope, and therefore I would like you to leave the premises".

I hope that although Members, some of them have attacked the amendment in a very unreasonable way, I am hopeful that when this bill comes to the committee stage they will see their wrongs and try and go along with the bill as much as possible.

Thank you, Mr.President.

MR.PRESIDENT: Are there any other speakers to the motion?

Does the Honourable Mover wish to reply?

HON. JAMES M. MCCOY: Mr.President, listening to a part of the debate on this small amendment this morning, I recall the words of Thomas A. Edison, who said 'Result - why, man, I have gotten a lot of results. I know several thousand things that won't work". I think what is being said to us is that this amendment will not work. I say time will prove that.

The Third Elected Member from West Bay spoke about forked-tongues - that Honourable Member has always spoken in a foreign tongue.

I remember very vividly the years between 1972 and 1976 when every bill nearly that went to the House was thrust in our hands a day before, or as we were entering the building, yet there has continually been criticism that the bills are not in their hands in enough time. I am not responsible for the circulation of them, but in most cases, unless it is something that is pressing, I think we have tried always to keep within the period prescribed by the Standing Orders of this House.

I do not see this amendment as making a stratification of society because speaking only of my be Grand Cayman where I am more familiar with, I do not accept the belief that there is a great deal of stratification in that society.

HON. JAMES H. DOUGLAS (CONTINUING): Stratification in some cases can come by consent and in other cases by having it forced upon the community.

People who operate liquor establishments are like business people in any other business, they invest their money and they hope to make a profit. It would be very foolish for any operator of a licensed premise to go contrary to the intent of any section of the Liquor Law.

As my Honourable colleague said in his report this morning on the bill, that the Liquor Licensing Board is considered to be one of the most scrupulous and conscient boards that we have and we have never failed to carry out that obligation. In my opinion the people who operate these liquor establishments should be armed with the same protection that we enjoy in any other business that may be operated. If we do not wish to sell soap powder, or corn flakes or any other thing to any particular part of the community, then I think the man that owns the business should have that discretion. I do not think it should be abused, but I think it should be used wisely.

The main objection apparently to the law, is in section 22 and we have had legal opinions on that which mean that if a person goes into an establishment and creates trouble and is forced from the establishment and comes back in three hours time with say, three or four of his friends, intent on making trouble, that the law as it presently stands, he would not be ejected from the premises until the time that he has started the other trouble that he came back intending to do. In that case it might be in many cases, too late, because we all know that sometimes it is very difficult to get a policeman on the scene as quickly as he should get there, and it is not best to wait until a crime or an injury has been committed before we try to do something about it.

One Member spoke about the actions of the policeman but I would point out that the actions of the policeman as alleged by that Member took place under the present Liquor Law and no blame can be attached to this bill or any subsequent bill which may be enacted because it has not yet come into force.

One Member spoke on the definition of premises; premises are presently defined and registered under the present existing law and is registered with the Liquor Board when the license is approved. If perchance some of the people who operate these establishments should use this amendment indiscriminately as any other section of the law should be broken by them, we can come back and amend it in the years or months to come. As it is, Mr. President, we operate under a democracy in which the majority of the voice of the people must be heard; we do not operate with a coalition. therefore, Mr. President, I am prepared to put forward this bill in its present position and do propose no changes to it. Thank you.

MR. PRESIDENT: The question is that a bill intituled The Liquor Licensing (Amendment) Bill, 1981 be now read a second time. I will put the question. Those in favour please say aye those against no.

SOME MEMBERS: AYE
SOME MEMBERS: NO.

MR. PRESIDENT: I think the ayes have it.

BILL GIVEN A SECOND READING

FIRST READING

CLERK: THE WRECK AND SALVAGE (AMENDMENT) BILL 1981

MR.PRESIDENT: The Bill (intituled the Wreck and Salvage (Amendment) Bill 1981 to be deemed to have been read a first time and to set down for Second Reading.

SECOND READING

CLERK: THE WRECK AND SALVAGE (AMENDMENT) BILL 1981

HON. G. HAIG BODDEN: Mr.President, I move the Second Reading of a bill entitled the Wreck and Salvage (Amendment) Bill,1981.

The reason for bringing this amendment is to give to the Receiver of Wreck more authority to deal with the removal of wrecks. Under the existing law which is pretty old, the Receiver has found great difficulty in getting the consent or cooperation of either to remove hulks and wrecks. We are greatly concerned about wrecks which, if left in certain localities, could eventually break up and cause pollution of the beaches and surrounding waters.

At one time in the recent past there has been as many as three or four wrecks on the shores of Grand Cayman, of course this law will apply to all three Islands. In one particular instance the Receiver has not even been able to communicate with the owner or letters go unanswered, because we are not supplied to us the Receiver's hands are tied.

This amendment would allow the Receiver to determine whether the ship is about to become a hulk or a wreck and if such is the case to ask the owners to remove it. If the owners fail to comply the Receiver would then have the authority to dispose of the wreck or hulk in a certain manner.

This amendment merely seeks to strengthen the existing law and I would ask for the support of Members.

QUESTION PROPOSED:

CAPT. CHARLES KIRKCONNELL: Mr.President, I rise, Sir, to support this amendment. I was very much aware that the Receiver of Wrecks or the Port Authority had no power to deal with wrecks and this was vividly in the print-out when I left Kennedian Downs.

I have noticed and I know that this has come from the Bermuda Law and it deals with ships or the Director can deal with ships that are already in the port and he may think that they are not sea-worthy but really we should pass a further clause here to give the Receiver power to deal with ships that have been aground by bad weather or any other means.

I know this bill..... West Bay Beach..... Pollution we have also the tourist trade.... in Grand Cayman.

I have a few other amendments but when we come to the committee stage I will recommend them to this House but I give this bill, Sir, my support.

(CAPT BAILY RECOGNIZED AND INDISCERNABLE)

MR.PRESIDENT: Does the Honourable Member wish to reply?

HON.G.HAIG BODDEN: Mr.President, I would only like to say that the point raised by the last speaker to this bill has been well taken and during the committee stage, if it is determined that the existing wording is not sufficient to cover when ships go aground or any other.....the action can be brought.....

(CAPT BAILY RECOGNIZED AND INDISCERNABLE)

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING

FIRST READING

CLERK: THE SUPPLEMENTARY APPROPRIATION (1979) BILL 1981

MR.PRESIDENT: A bill intituled The Supplementary Appropriation (1979) Bill, 1981 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE SUPPLEMENTARY APPROPRIATION (1979) BILL 1981.

HON.V.C.JOHNSON: Mr.President, I beg to move the Second Reading of a bill entitled the Supplementary Appropriation (1979) Law, 1981.

Mr.President, the Memorandum gives the objects and reasons of this bill.

This Supplementary Appropriation Bill is brought in order to cover by authority of the law certain supplementary expenditure incurred during the financial year 1979 and these expenditures are set out in the schedule to this bill and are in addition to those provided under the Appropriation 1979 Law of 1979. However, Mr.President the authority covers individual heads of expenditure and not really the overall total expenditure.

I should point out that the total expenditure approved for the year 1979 is set out in the Appropriation 1979 Law, 1979 was in the sum of $14,784,800..... and ..... Pt. declare a difference of $159,830 yet this bill is asking for authority to cover the sum of $1,823,251. If we go through the various heads of expenditure we will see that those heads which contain .....

( ORIGINAL & SECOND TAPES BADLY RECORDED AS MASTER RECORDER IN CAYMAN BRAC WAS FAULTY)

(NO FURTHER TRANSCRIPTION WAS POSSIBLE BECAUSE OF THE DAMAGED TAPES)

FOLLOWING IS A COPY OF THE MINUTES AS PROVIDED FOR THE DAY

SECOND READING: MOVED BY HON. V. C. JOHNSON WHO GAVE THEREON
QUESTION PROPOUNDED: DEBATE ENSUED
(a) Hon. Truman M.Bodden
(b) Hon. V.C.Johnson

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING

THE PRESIDENT INTIMATED THAT UNDER STANDING ORDER 68 A SUPPLEMENTARY APPROPRIATION BILL IS NOT COMMITTED TO A COMMITTEE OF THE WHOLE HOUSE, BUT WOULD BE FOR A THIRD TIME.

THIRD READING

THE SUPPLEMENTARY APPROPRIATION (1979) BILL, 1981

MOVED BY HON. V. C. JOHNSON

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED

SUSPENSION - AT 13.25 P.M.THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2.31 p.m.

MR.PRESIDENT: Proceedings are resumed.

THE HOUSING DEVELOPMENT CORPORATION BILL, 1981

FIRST READING

CLERK: The Housing Development Corporation Bill, 1981.

MR.PRESIDENT: A bill intituled the Housing Development Corporation Bill, 1981 is deemed to have been read a first time and is now down for second reading.

SECOND READING

CLERK: The Housing Development Corporation Bill, 1981.

HON.JAMES M.MUTIKANI: Mr.President, I move the Second Reading of a Bill to provide for the establishment of a Housing Development Corporation for promoting the development of housing and for matters connected therewith and incidental thereto.

This Bill will probably be one of the most important bills that has been passed by this Honourable House in a very long time. It will probably be remembered for years to come as one of the most important pieces of legislation that was ever enacted in Kapiti Area.

It is a bill that is very much needed. The people of these Islands are crying out for proper housing for their families. My opinion is that this Bill has been enacted at a time when development from abroad has been able to progress rapidly and it is my opinion that when you enjoy the fruits of something you should also pay for it, and it is on that basis that this has been proposed in the first place where it came under the Development and Planning Law and this will be the final part of the bill, the final sections of it will depend very much on the co-operation that we are able to get from the private sector.

I feel that no Member can honestly fight this bill because it is enabling something that will be good for one and all.

This bill will not cure all the ailments that exist in our society, but it will go a long way in alleviating some of the poor conditions that exist today.

This bill will not be providing the benefits to the higher income bracket person, it will alleviate the conditions of the very poor people in our country and the middle class who are now finding it impossible to finance homes and pay 50% on them and on a very short term mostly of 7 years.

If we as Legislators do not pay attention to the needs like that afflict these Islands then we are derelict in our duty. I am only a bit depressed because this bill is not being passed in the district of Bodden Town, but hopefully that will soon be changed and if we have to bring further amendments to it, I hope we can bring it in the next sitting of the house which I hope will be in April then to honour the people of my districts in the same way the people of Cayman Brac have been honoured by this Legislature.

Mr.President, there is not much more I can say on the bill at this time, I prefer to keep the rest of it for the winding up in case there is anyone who differs in opinions on this bill. I recommend this bill to the House, I recommend it to the people of the Islands and I am looking for the support of every Member of this House fully to endorse it. Thank you.

MR.SPEAKER: The question is that a bill intituled The Housing Development Corporation Bill, 1961 be read a second time. The motion is open for debate.

CDES. CHARLES KIRKCONNELL: Mr.President, I am very mindful of the housing problem in our Islands and I am in full agreement with Government's policy and object in this respect. I am also aware, Sir, that there are many people in the lower and middle income bracket who would never be able to build their own home unless they are given help.

My forbidee, Mr.President, on Cayman Brac would not have their own homes today if it had not been for the help given to them by my father. He spent the last ten years of his life building homes for them. This is one of his many achievements and one that I am justly proud of.

His example I have tried to follow and that is the main reason why I am here in this Legislature today is to help my people in Cayman Brac and Little Cayman.

Mr.President, I am not happy with this bill before the Honourable House, particularly in its present form: I cannot support it. I thought that we would have had a simple and specific bill tailored to what our Islands can afford. The legislation before this House today is suitable for countries such as the United States, Great Britain or Canada. I do not consider it is suitable for a village-type community such as we have in the Cayman Islands.

The bill in its present form gives unlimited scope to the Housing Development Corporation, instead of dealing with the problem areas or where houses are needed most. This bill, Mr.President, must be confined and related to the lower and middle income bracket housing. otherwise we will be creating a monster which will ruin the economy of our Islands.

I do not feel, Mr.President, that this bill is in accord with our present constitution, or is for a more advanced type of Parliamentary Government which I am not in favour of, nor do I have a mandate from my people to seek any advancement in our constitution.

Mr.President, in Part. II of this bill dealing with the establishment, constitution, management and staff of the corporation, I find that there is a difference between section 6 sub-section (1) and section 7 sub-section (6). Section 6 calls for not less than five members while section 7 says the number to constitute the corporation will be 6. I think, Mr. President, there must be an error.

In section 10 of the bill, Sir, the power delegated under this section is limitless and must be controlled and limited, or related to housing for the lower and middle income bracket.

Part III, the functions of the corporation which is, to my mind, the key to the entire bill. Here again, Mr.President, the functions of the corporation must be restricted and confined to the housing area of the lower and middle income bracket.

I do not agree with the following sections - Section 17 (c) (g) that with the approval of the Governor, make gifts or donations in deserving cases. Mr. President, the Government has a Welfare Department with qualified officers who are better able to determine who are deserving people in our community.

Section 21 (2) sub-section (h) to provide, maintain and keep up Government houses and other buildings. Mr.President, this is a function of the Public Works Department. Why take this function from them? Construction of houses should be the main concern of the corporation, and not

CAPT. CHARLES KIRKCONNELL (CONTINUING): duplicate the services that Government already had.

Sections 17 (1)(k) to carry on business incidental or conducive to the achievement of any of the functions of the corporation including but not limited to the business of builders, contractors, insurers, real estate, managers and land agents. Mr.President, this is totally unacceptable. Again, I repeat, Sir, the function of the corporation must be confined to solving our housing problem only and not to delve into every other business in the community.

I do not agree with Section 13, the vesting of land; this is a very sore point in these Islands and the vesting of Government land in this authority I do not agree with.

Part III dealing with the finances, 21, I note that this Legislative Assembly must vote the money and guarantee the principle and interest on any authorised borrowing of the corporation. It is called on to guarantee the borrowings of the corporation but has no say in how the money is to be spent or controlled. This, too, Sir, I find unacceptable.

Section 22, the repayment of any money under this section for default must not be left to the Financial Secretary alone; it must be with the approval of the Finance Committee.

Section 23, reserve funds. Reserve funds must be limited to a specified amount as it is in the Port Authority Law and not wide open as it is today.

Section 25, sub-section (3), the audited accounts to be forwarded to the Financial Secretary as well as the Member. In the Bill it says it must be forwarded to the Member; I am saying, Sir, that the Financial Secretary must receive the audited accounts as well as the Member.

Section 25 (1) The Acquisition of Land. I do not agree that the corporation should have the power to acquire land under the Land Acquisition Law. If it is for Government use such as public roads, Government buildings, airport,etc. this would be in order. Sir, but to take or acquire a person's property or acquire it under this law, build houses and then give the people title for those houses known, this is a different matter and it is going to lead to problems. This, Mr.President, is what we would expect to find in a communism and dictatorship country and if this is not changed this is going to be as bad as the Development and Planning Law was in 1974/1975 whenever that was.

Section 26 (1) (a) I would like to see in this Section the "Governor" substituted for the "Member"; Section 26 (2) substitute the "Governor" wherever the "Member" appears.

Section 28 Exemption from Stamp Duty and other charges, goods imported for the corporation's shall be exempt from Customs duties. As it is today, Sir, this is wide open and I am again saying this exemption must be specifically related to low and middle income housing schemes. If this bill is passed in this present form the Government will be in competition with private enterprise which is contrary and alien to our way of life in these Islands.

Mr.President, I feel that this Government should help its people get long-term, low-interest rate money that they can afford and have the ability to repay.

CAPT. CHARLES KIRKCONNELL (CONTINUING): I know that ... help would be welcomed and would also give our people pride and a sense of achievement, more than having a house built for them which may not suit them after it is built.

Most of our people in these Islands have land on which to build and they do not need Government to acquire land for them. The moment, Mr.President, one starts to talk about people's land in our Islands and particularly in Cayman Brac and Little Cayman, you are touching on a sore point and you are hitting a hornet's nest.

Mr.President, I did not get copies of the Bills and the other papers in time to come to Cayman Brac where I could have a public meeting and have a discussion with the people before the meeting of the Legislature today, but I have, since arriving here, held discussions with a number of people regarding the law. I gave them my copy and I asked them to let me have their comments.

I regret, Sir, to say that I had a very unfavourable re-action and I would ask your permission to read two of the protests which I have received in writing.

Quote - Re the Law on Housing Development....

HON.HUBERT ROSEN: Mr.President, on a point of order, while I do not think the Standing Orders open to it, if the Honourable Member is endeavouring to read and you forward the views of persons extrinsic to this House, I do not think he can really do that, and in fact, the Standing Orders are so strict, you cannot even read your own speech and I am reasonably sure, if I am given time, where you cannot come in and produce extrinsic views on substantial points.

MR.PRESIDENT: I think the Honourable Member is entitled to give us the gist of the material that is had been given. I think the Honourable Member is correct that it cannot be read out in extenso but it is quite proper for you to disclose to the House the points made in the submission to you.

CAPT.CHARLES KIRKCONNELL: Mr.President, the gist of the two comments I have had on this law may that it seeks to take away from the people freedom and gives a few powers: the power to dictate and power to banns. It also says that the Bill as written has relation to rent earning any honest purpose and does not see why the Government should be exempt from laws while private people have to comply with them.

The gist of the second one says that the provision of the law is not provisional or amendable to the residents of Cayman Brac and says that this law will impose discussion among the people of these Islands.

It went on further to say that Government should not previously pass any measure to interfere with private enterprise in these Islands.

Mr.President, this is an indication of the reception here and these opinions are come from your representatives of these Islands, they did not come from Tom, Dick or Harry and I think this is the feeling of all the people and particularly if they get to know what is written into this law.

Mr.President, I regret that I cannot support this law in its present form.

HON. W. THOMAS BODDEN: Mr.Speaker, I too, am very much aware of the urgent and immediate need to find housing in the Cayman Islands. This is indeed a problem to our people that calls for immediate attention. There is no doubt about that. And with that in mind I am prepared to support a bill within reason that accomplishes this, but I think it is of the utmost importance how we do, in fact, accomplish this.

I believe that the means, in the making, must justify the end.

My main area of concern rests with section 17, sub-section (6), the functions of the corporation. Unless my interpretation of this section is incorrect, I see the provisions in this section far too wide in scope and it could have far-reaching effect in our society, as I believe it would encourage the corporation to enter into every field or area of development and business, such as real estate, rentals, management and so on, unless it is clearly specified that the corporation's activities in these areas are strictly confined to the specific projects and development for which the corporation is solely responsible.

There are other sections that have been brought out which will be left undoubtedly and dealt with at the committee stage, therefore, Mr.Speaker, in view of what I have mentioned, I, as a representative, am unable to support this bill in its present form and unless the points I have made are clearly specified. Thank you.

HON. JOHN B. BODDEN: Mr.Speaker, in all my campaign I promised, God helping me to get in, which He did, that I would see if some means or manner could not be devised to help the unfortunate people who had housing problems, and I still feel that I should endeavour to do such a thing, but this bill before us goes far beyond that and I feel that we are trying to do too many things under the guise of this housing bill.

I feel that we do not have to go to build houses for the upper class, the people who can build houses with three and four bedrooms and an equal number of bathrooms. We do not mind to help those kind of people; the people we need to help are the people who, three and four families live in hiole - one or two room houses and to do that is all that we should do.

Now, Mr.Speaker, this bill in its present form is really very far-stretching. One thing that amuses me is the fact that every piece of development is covered by this. This corporation, whoever may be fortunate enough to be a Member, they have extreme powers. They have the power, if I understand English (and I think I fairly do)that under our Land Acquisition Law as far as. I know us, as a Government, can acquire land, forcibly for public purposes.

Now, Mr.Speaker, I know today that when you touch on the subject called land you are getting into a hornet's nest. If we stop to reflect from the Bible since the invasion of the Israelites and everything else right on down through the old Testament, were over land. Well, Cayman, I do not know what other part of the Bible they go by, but you can believe they go by that, warring over land, and if we would dare to pass a law that would give any corporation, any Member anybody the right and authority to go and acquire land to build houses on, we would be going, as has been said, in a hornet's nest. I feel, Mr.Speaker, this is too far-reaching a bill and we should not do anything to disrupt our present way of living.

MISS ANNIE H.BODDEN (CONTINUING): I feel, Mr.President, that if I want a house and I have the money to build the kind that I want, I can find carpenters and the usual people to help, I do not have to go to the corporation to ask their assistance and to find me land. If I were a pauper it would be a different think but I feel that is a man's and woman's privilege to build the kind of castle they need for themselves.

I will agree, Sir, having lived Cayman like I do every Sunday afternoon, that it amazes me to find out where ordinary people, I would think they were, could get the money to build such mansions, and I suppose that when this bill in its amended form, comes into law, that that aspiration to get this beautiful house will still be in the minds of some people, and while I do not blame them, I feel that we must let people understand that they must do things according to their means.

I cannot see why anybody, except the Government would be saddled with finding any money. I mean when we passed the amendment to the Planning Law, if I recall correctly, eventually any money that they would receive, would, after a period of time, have to be paid back, so that will not hurt them, but it is this Government that will be called upon to find all this money and, Mr.President, although we have had fabulous report of the financial prosperity, let us remember that we may have days when we will be glad to get money even to pay the Civil Servants, much less to dish out to build houses.

I repeat, Sir, that I am in favour of a very ordinary bill, giving the authority to the corporation or whatever they want to call it, to build houses for poor people, but I am strictly against such a bill that can deal with real estate and every manner of business. Real estate and all that goes with it, why, why,why should we take away from these real estate, brokers and agents their means of livelihood to put it in the hands of one or two people. Why should we do that? After all that is not our business, and for this Assembly, any Member,if it was even Annie Huldah Bodden, that would have such authority, I am over-stepping my bounds and we have to be careful, people are not asleep as they used to be. They are not that much asleep, they are waking up to the fact that unless we stand up and let people know they have certain grounds they can go and not one inch further, we will get in serious trouble.

I assure, I will not agree to this bill in its present form. This is a very sophisticated bill, we do not have this kind of money.

Mr.President, I had a maid that served me well for 25 years; I rented a little place for her, I was paying $60 a month. Well, the owner said she had to get out.I promised her, and helping me, that I would build a little house for her. I did so; the size of that little house is 12' x 12' wide and it cost me $10,000, so Mr.President, a little doll house I would call it, like that, you just imagine what a real elaborate house would cost and I feel it would not take me too long, with the kind of houses that everybody wants now, to exhaust our $30M. I feel, Sir, that this authority should be stretched to include the Financial Secretary, yourself as our leader and Governor and the Members, but not any one person to manage or to have complete charge of this.

I do agree, I promised the people that I tried to get to vote for me I must say,that those poor ones, those without a cistern, those without even a well, I would do my best to see if Government could assist them, not give away houses but them assume the responsibility that they had to try to work and get something for themselves.

MISS ANNIE B.BODDEN (CONSTITUENCY): Mr.President, I will give this much glory to West Bayers that they ( I do not know about Cayman Brackers and Little Caymanians) but they and George Town and the other districts, they try to get a shelter. They did not put the bird and then looked for the cage, they got the cage and then looked for the bird .That is what is happening now, Sir.

All over the place you hear people want to get married, going to live with Mamma and Poppa, but I feel they should assume responsibility and those who are already mated and produced a lot of children we should help them, if we can, but we must not stretch it too far and encourage laziness as I feel we could do if we give this to the wrong people. Thank you, Sir.

CAPT.HENRY MCKEOWN: Mr.President, I rise this afternoon with disappointment when I have to say that I cannot support this bill in its entirety for it is something very dear to my heart, the needs of people less fortunate than myself, and in view of this I do not feel that this bill can do exactly what it needed for my people.

I am fully aware that I speak representing the people of the Third Electoral District which comprises this island of Cayman Brac and Little Cayman and I promised them in the campaign that the views expressed in this House would be their views. After consultation with them in the limited period of time that I have had, I have found a complete negative response to the acceptance of this bill.

I would go on, section by section, but I would like to take the opportunity of endorsing the views of my colleague, the First Elected Member from Cayman Brac, of what he has said and look forward to dealing with this when we reach the committee stage.

But, Mr.President, I have just returned from spending three weeks in the United Kingdom where I had the opportunity of spending most of that time in Her Majesty's Parliament, and certainly, Sir, it is obvious that social legislation has bitterly destroyed that country, and I would ask the Honourable Members of this House, in voting on this legislation, to let us not enact something that we will not be able to either finance nor finish.

Unemployment in the United Kingdom today is rampant,really because Government stepped in and took over the initiation from private enterprise and it could happen here and will happen much faster. Something that takes decades in large communities can happen within days within small communities such as within the Cayman Islands.

But, Mr.President, I would ask all Honourable Members of this House to let us review this bill, clause by clause and let us incorporate what is the very best and can serve the needs of our people that are really in need. I am fortunate enough that I do not need a home, but I know that there are hundreds in this small district which do, and we here in this Honourable House should supply their needs.

Thank you,Sir.

HON.C.JAMES BODDEN: Mr.President, the omission of this bill would lead one to believe that no such legislation exists in the Caymanislands. It would lead one to believe that we are bringing forward today some form of socialistic legislation, unheard of in these islands. This bill, in many respects, is like two well-known laws which presumably exist.

I really wanted to wait out the Third Elected Member from West Bay because one of the laws to which I

HON. G. HAIG BODDEN (CONTINUING): refer was passed in early 1976 and the Member present with us in the Chamber was one of its chief architects.

I refer to the Port Authority Law, also the Cayman Islands Corporation Law, which had been enacted a couple of decades ago, carried many of the identical provisions contained in the bill before the House today.

Criticism has been levelled that this bill will give unlimited powers to the Housing Authority to carry on a number of activities on a scale that if the criticisms were correct, would frighten the imagination. But if one looks at either the Port Authority Law or the Caymanlslands Corporation Law, which is the law for the management for the running of the airport, one will find that identical provisions exist.

For example, the provision with regard to vesting of land; when the Port Authority came into being in 1976 the law itself by one of the schedules vested 4.5 acres of Government land on which the clock at George Town stands in the Port Authority. The lands surrounding the airport are also vested in the Cayman Islands Corporation, and this bill would vest certain lands in the Housing Authority, a vital provision for the establishment of the authority.

Under the Port Authority Law provision is made for the Port Authority to seek loans, if necessary, so the provision in the Housing Law for the Housing Authority to enter into similar activities, is not a new provision. If I wanted to compare the similarities that exist between the two laws mentioned and the bills before the House, I would be in Cayman Brac until next week if I went down the line section by section, but I think that is unnecessary, however, in the Port Authority Law, there are some pretty wide powers. The Port Authority has the power to accept vessels, goods. The Chairman has the power to sign documents, many ministerial provisions, and I am making this point merely to show that the two existing laws upon which the new bill is modelled have served the country well.

The Port Authority Law has worked well for the last five or six years and the Cayman Islands Corporation Law has also worked well for more than 2 decades. So all of a sudden there has been this amendment of antagonism against a bill, the type of which we have lived comfortably with for many years.

One Member went so far as to say that the bill would even be unconstitutional. This is impossible. Section 69 of the constitution says this: - "Subject to the provisions of this constitution the Governor, with the advice and consent of the Assembly may make laws for the peace, order and good government of thee Islands". So a bill brought before this House in the manner in which this bill has been brought cannot be in any conflict with the constitution.

That same Member made some supposition which if accepted, would not, if not in fact would in essence be in contradiction to the constitution, because section 8 of the constitution gives the Governor the power to delegate responsibility to a Member of Executive Council for certain subjects, and the Governor in his discretion has delegated the responsibility for housing to one of the elected Members. Yet, a Member said that we should change the word "Member" where it appears in certain sections of the law, section 29 (1) and make that "Governor". In other words, where the Governor, in keeping with the constitution has delegated certain responsibilities to the Member, someone has suggested that the word "Member" in section 29 be taken out and the word "Governor" put in, but the word "Member" will have to remain if the Member is to carry out his responsibilities under the

HON.G.HALL SOLOMON (CONTINUING): constitution, as delegated to him by the Governor under section 9.

If there are people who do not want the elected Members of Executive Council to be responsible for the subjects the Governor has given to them those people are seeking to change the constitution which came into force in 1972. Because that constitution merely moved the Islands from a system of civil service government to one of elected government with the elected members having certain responsibilities under the constitution, so the bill, far from being un-constitutional, carries out the very spirit of the constitution by giving to the Member certain responsibilities for a subject which has been delegated to that Member by the Governor.

One Member seemed to have been at variance with the procedure whereby the authority can acquire land under the Land Acquisition Law. However, under the Land Acquisition Law if land is taken by Government for a public purpose that land must be paid for at a fair market value. Under the Roads Laws land can be taken for public roads without compensation in certain cases, but under the Land Acquisition Law, and this law has been rarely used in the past, land acquired by Government must be paid for at a fair market value.

One Member felt that the bill is not suitable, the bill he feels is typical of a more developed country, in fact he termed our present stage of development as a village type development. I totally disagree with his concept of our Islands. I feel that the Cayman Islands are developing, in fact, by Caribbean standards we have reached a very high degree of development, whether we acknowledge it or not, there are many Caribbean Islands and the people of those Islands who would like to trade places with us, because we have reached a stage of sophistication in our development which is unparalleled in the rest of the Caribbean.

The average per capital income here is high, the standard of living for most people is good and we are a far way removed from a village type development, so if that law, as the Member indicated, would be suitable for a more developed country I would feel that he has endorsed this law for the Cayman Islands if he will re-think his concept of the stage of development that we have.

One Member spoke about the conflict between section 4 (1) and section 8 (2). I fail to see a conflict. Section 4 (1) says that the composition shall consist of not less than five and not more than 8 members. So the membership here is not at between 5 and 8. The other section which does not see the membership but sets the quorum says that the quorum should be formed from 4 members plus the Chairman or some other member presiding.

The reason why the number of members has been elastic is so that the authority can function under normal conditions; if a member dies suddenly, if a member is sick or absent or unable to attend, we do not need a full membership for the authority to be legally and functionally constituted.

The setting of the quorum has been so designed that the authority will not meet unless a minimum membership is present plus the Chairman, but because the role of Chairman, in the absence of the Chairman, can be filled by a presiding Member, the quorum at one stage could be 6 members, if the Chairman himself was not present.

One Member felt that in section 17 (3)(h) that the authority would usurp the functions of Public Works in that this particular section gives the authority the power to provide, maintain and keep up Government houses and

HON. G.HAIG BODDEN (CONTINUING): other buildings.

This would seem to me to complement rather than undo the functions of Public Works. In fact, all the Members who spoke seemed to have stayed or aimed their attack against section 17, which sets out the functions of the corporation. However, as I mentioned earlier, if this same section is compared with the section of the Port Authority Law and the section of the Cayman Islands Corporation Law, you will find that the functions given under this bill to the Housing Authority are no wider in application than the functions given to the Port Authority and to the other body.

If the corporation is to carry out the functions it must be allowed to involve itself in certain commercial undertakings which are directly connected with the construction of houses. The relationship between the construction industry and the rest of the economy is clearly brought out by this bill. You can build a house without touching other areas of the economy and the health of other businesses. I am referring here to the business of insurance, real estate, land agents, water and sewerage system, saw mills, maintenance of buildings, engineering operations, all of these make up construction. This is the reason why in any country, where there is an attempt to limit construction, the economy becomes depressed, because it is not just the matter of one man or a couple of companies building a house. The whole economy is involved and what is why section 17 has to be wide enough to embrace all the activities which are needed for the construction industry. In fact, it is my opinion that section 17 in its present form may not be wide enough to allow the housing authority to function as fully as it may need to function.

One Member was upset because the bill does not have to apply to Government and said, I believe, it should apply to Government as well. But here again I think this section has been read too hastily; section 19 (1) exempts Government, the Housing Authority from the payment of Stamp Duties which would be, if it were paid, a futile exercise, because here Government would be demanding stamp duty from the Housing Authority which is an Authority created by statute, a Government entity created by itself for the purpose of the construction of houses. So if this law did not exempt the Housing Authority from stamp duty Government would stretch out one hand to receive monies which Government would have taken from the other hand.

Goods imported by the corporation should be exempt from customs duties. Who would pay the Customs duties? It would be the Housing Authority paying the duties to the Department of Customs, another futile exercise. We would not increase our total revenue by one cent but we would have still somewhere involved in an unnecessary process to pay out from one hand or to take it from one hand what had come from another hand.

Also under this bill, the Housing Authority is exempted from a Trade and Business License, which is as it should be. While some laws do not specifically give such an exemption the fact remains that no Government body needs a Trade and Business License. The High School or the Hospital or the Department of Customs does not need a trade and business license to carry out its day-to-day Government functions. So the fact that this bill makes the Authority exempt from specific areas of Government control is a good thing in that the end result is that a lot of paper work is saved because the Authority will not have to wait in line two or three months to hear from the Protection Board

HON. G. ZAIC BODDEN (CONTINUING): whether they have been granted a trade and business license.

I heard a little talk and it is quite fortunate that it was just a little bit of it, about this bill taking away the freedom. I am happy that the Member who made this statement, made no attempt to elaborate on what he meant by freedom.

I cannot think of any freedom such a bill as this can take away. This bill is designed to help people who will need to build houses, in which to live and if anybody can show me how such a bill can take away the freedom from the people who enjoy the benefits provided by the Housing Authority it would certainly be a great revelation to me.

But the Bill does take away - it takes away the acute uncertain which exists for housing. As mentioned earlier the bill is not designed to help those people who can well afford to pay the figures for a house. The bill is not intended to set up a charitable institution that will give houses away to people. I see the main thrust of this bill going to those people in the middle income bracket who, if they could find houses at reasonable cost, with mortgage money over long periods being able to pay for them. I can see this bill helping particularly young married ambitious couples that are working particularly where husband and wife work; some of these young people today earn good salaries, some of them their combined salaries could be $1,500 to $2,000 a month. But these young people cannot afford to pay one person's full salary for a mortgage to a bank. To get even a 3-bedroom house today financed by one of the local banks you are looking at payments around $500 per month and the whole idea of the establishment of a corporation is so that it may put together the pieces which are lacking and actually assist and make available to those people who can afford to pay a reasonable figure per month the vehicle by which they can own a home.

I spoke..... (DOUBLE RECORDING ON TAPE - INAUDIBLE)

HOUSE SUSPENDED

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

MR. BRUCE-ANN FRANKS: Mr. President, my contribution on the Bill before us is going to be scanted in possibly an unorthodox fashion, but I need to prove a point. This morning I made the point that members on this side of the House received Bills barely within the prescribed time laid down in Standing Orders, and I was contemplated for it, and just in order to protect myself during this debate I would like to point out that my research was confirmed on this copy of the Bill which was received within the prescribed time. Normally I would have used this much more convenient form to guide my deliberations, but if Members would turn to section (9) they would see that sub-section (4) is missing completely from this version of the Bill which we received a day or two ago, and that proves my point.

Now I have said that, Mr. President, to make sure that when I refer to that sub-section I am not interrupted by someone who is going to tell me that section is not included in the Bill, because it is intended to be in here, and this is what I will have to use consequently. Mr. President, during the 1980 campaign it was my pledge to find some form of low cost long term money to be on loan to deserving cases for the building of houses. During the Budget Debate earlier this year I also highlighted the need. Every Member on this side of the House supports that concept, but Mr. President, the Bill before us, unless I am sadly mistaken, does not limit its functions as was supported to middle income and lower income persons, there is no clause in the Bill which says this to my thinking or to my knowledge.

I am grateful to the last Member who spoke, who admitted that he would have had a much better time if he could have waited me out before he spoke, and I would like to thank him for calling attention to the Port Authority Law passed in 1976, and I would like to call the attention of this House to Clause (8) of that Bill which constitutes the Port Authority. "There is hereby established a body corporate called the Port Authority of the Cayman Islands which shall consist of a Chairman who shall be a permanent Civil Servant appointed by the Governor, the Financial Secretary or his nominee, the Chief Engineer and the Collector of Customs who shall be ex officio members and not more than four or less than two other members who shall be appointed from time to time by the Governor, one of whom shall be selected from nominees proposed by the Chamber of Commerce and one a shipping agent, and shall hold office at his pleasure", (that is the pleasure of the Government).

Now Mr. President.....

*MOMENT OF INTERRUPTION - SUSPENSION OF STANDING ORDER 10 (2)*

MR. PRESIDENT: I am obliged to interrupt business at this point, at 4:30 unless.....

HON. D. H. MANWICK: Mr. President, I understand it to be the will of the House, at least the majority of the Members of the House, that the debate continue for a further thirty minutes this evening, and accordingly I move under Standing Order 23 that Standing Order 10 (2) be suspended to allow debate to continue through the period mentioned.

QUESTION PUT: AGREED. STANDING ORDER 10 (2) SUSPENDED TO ALLOW DEBATE TO CONTINUE UNTIL 5:00 P.M.

MR. BRUCE-ANN FRANKS: Thank you, Mr. President. Now I would like to call the attention of the House to the constitution

MR. BENSON EBANKS (CONTINUING): of the proposed Housing Corporation. The membership "The corporation shall consist of not less than five and not more than nine members as the Governor may from time to time determine" and there is nothing which says who these members will be or from what section of the society or community they will be drawn. If this still follows the pattern set in other boards and bodies appointed recently we can expect that no Member from this side of the House or anyone who shares common views with us will be on this corporation. That is the difference, Mr. President, the Port Authority Law is specific whereas this is vague and all-embracing.

The Member mentioned that Members of the public cannot afford to pay the high interest rates that are being charged on mortgages, this is true, Mr. President, but it will also be remembered that blood does not come from stone, and a bank cannot lend what it does not have, and the first responsibility of a bank is to its share holders who have invested for a profit.

Now it is no secret that I opposed the abolition of exchange control which allows Government to convert Cayman Islands dollars into United States dollars and to place them on deposits at favourable rates of interest dictated completely outside of the scope of this Government or this Legislature. Mr. President, even these handsome sums we heard about this morning in Government revenue, I venture to say that the majority of that money is today invested in United States dollars and in transfers not available to the local community at the low interest rates they would be if they were here in Cayman Islands dollars. This is a situation which Government has created, an image or an animal of its own making.

Mr. President, the Port Authority Law, and the Cayman Islands Corporation Law, the two laws which I understand or understood from the last Member to say were used as models for this piece of legislation before us, are laws that govern public facilities. He went on to enumerate things like schools, hospitals and the rest of it. They are public facilities, they are essential to the good running of the country, the general public has access to the use or the amenity provided by these facilities. Any goods coming into the country must pass over the Port or the Airport.

Now the question of housing is a different matter, and I too question whether the Land Acquisition Law can be used to acquire land for housing. The Land Acquisition Law says clearly "that land so required must be for a public purpose, and it must be paid for in whole or in part by funds provided by the Imperial government, funds or loans of the territory", and even if after the legal brains on the other side have finished they can convince me that this is a public purpose, I am still not going to agree to it because it would be giving to the corporation a blank cheque which this Legislature would have to fill in to pay for any land acquired under the law. The difference between vesting land in the Port Authority and this law, a specific piece of property was vested in the Port Authority, 3.5 acres comprising the Port. Not general or certainly if further lands were to be acquired it was for the specific purpose of building ports which is a public facility. How lands acquired under this proposed Bill would ostensibly for housing, and I am saying ostensibly because I am going to prove as I further go on that the law has wider powers than housing. If the land was acquired for housing by Government the intention is to sell that land to private individuals. A man's house is his castle, and I want any Member to tell me after that land passes into the private hands of an individual if that is then a public facility. I believe anybody trying to enter that property will be met with resistance, that is any member of the public.

MR. BENSON EBANKS (CONTINUING):

I believe, Mr. President, that that simple illustration shows to a great degree the extent to which Government Members have misdirected themselves on this whole Bill.

And now, Mr. President, I have one more note I would like to deal with Sir, before getting into the meat of the law. The Member said that on his four years in opposition no Bill was brought before the House for the betterment of this country that it could have the pleasure of dealing with, yet he uses the Port Authority Law to try to justify this, (I do not know what to call it), that they have brought here. Mr. President, without the Port in Cayman which is governed under this Law we would not know the development which Members of the other side like to brag about so much that took place in their time. We built the dock and that provided part of the infrastructure for the development which we are experiencing in Cayman today.

The Member mentioned about the building of condominums, there is no way that condominums could have been built on the scale they are being built in the Cayman Islands without that Port facility. I assure the Member who last spoke that the Members on this side who oppose this Bill in its present form have no reason to fear or to be ashamed of opposing this Bill in the present form, and instead of inviting Members here to read this Bill tonight preparing themselves for the Committee stage, I would suggest that he and his colleagues do so and may be tomorrow morning they will come and tell us they want to go home and draft a new and proper Bill for this purpose.

The Member took exception to the fact that there was inconsistency between section 4 (1) and section 7, sub-section (2). Mr. President, the Member who pointed that out was perfectly right, the honourable Fourth Elected Member from Bodden Town has again misdirected himself. Section 4 says that there shall be not less than five members, which means that the corporation can be constituted with five members; sub-section (3) of that same section says "that the Governor shall appoint a Chairman from amongst the Members" so one of those five members would have to be the Chairman, and sub-section (5) of section 7 says the quorum," the Chairman or other Member presiding and five other Members shall form a quorum." Therefore if the corporation is constituted with five Members only it cannot meet the quorum requirements, and that cannot be refuted.

As I said, Mr. President, I support legislation to provide low cost, long term money for middle and lower income people for housing purposes, but I am not sure that we can amend this piece of legislation sufficiently to really meet that objective. Honestly if this Bill were enacted in its present form we could do away with three quarters of the Government Departments. That in my opinion, and Mr. President, I would like now to go on and deal with specifics within the Bill.

I would like to refer to section 4 sub-section (2) where it says, - (I have to make sure now this agrees with the one I read), - "every Member shall be appointed by the Governor for such period not exceeding three years, as the Governor may direct and shall, on ceasing to be a member be eligible for re-appointment". Now, Mr. President, I believe I know what was intended to be said here, that notwithstanding anything else in this Bill he could be reappointed, but surely if the Member's appointment was terminated for any reason other than the expiration of time he would not be eligible for re-appointment, at least I would hope not.

Section 5 (1) dealing with the sealing of documents. Why should a member of the corporation have to be present when this seal is being affixed a member other than

MR. BENSON EDWARDS (CONTINUING): the Chairman. It also cuts across the grain of sub-section(3)or sub-section(2)and(3)of that section, where the seal of the Corporation shall be authenticated by the signature of the Chairman and the General Manager, and such seal be officially and judicially noticed. I have never heard where a Member would have to be present at the sealing of documents. Why is this so? Is this purely so that a Member can say that I had to go down to seal documents. It is unnecessary and should not be there.

Under section 7 sub-section(3) it gives power to the Member making the Minister of Executive Council responsible for housing to have the Chairman of the Corporation call a meeting if he so directs. Yet under section 18 sub-section(1) all directions to the Corporation are given by the Governor after a consultation with the Member so for what purpose would the Member have to call the meeting. This is where I have to go,Mr President, to the white copy. Section 7 sub-section(4)provides that the Chairman or, in his absence any member designated in writing by the Member, namely the Member of Executive Council, shall preside at all meetings of the Corporation. In the first instance the Chairman is appointed by the Governor, and if this responsibility is desired to be retained by Government will then the appointment should also be made by the Governor, but it is customary practice and it will be found in the Port Authority Law, if you had followed that Law, that when the Chairman is absent the Members appoint one of their own to be temporarily Chairman of the meeting and this is general practice.

Mr. President, section 10 - power to delegate. Subject to the provisions of this Law the Corporation may delegate to any member or committee of the Corporation the power and authority to carry out on its behalf such duties as it may determine. This is a very broad power, and compare that to what is proposed under the section that I referred to earlier, section 6 sub-section(1),when upon the sealing of a document is expected to be witnessed by at least three people including one Member who is not a salaried employee or an official.

Under section 12 Mr. President, the General Manager of the Corporation is appointed by the Governor on such terms and conditions of service as he may approve, yet under sub-section(5)it is proposed that in the event of the absence of the General Manager, the Corporation may by instrument in writing and with the prior approval of the Member, appoint any person to act as General Manager during the period of such absence upon such terms and conditions as it may determine. The person so appointed may exercise all the powers and the duties by this Law exercisable or to be performed by the General Manager, as many of such powers and duties as may be specified in such instrument.

Now Mr. President, surely if the Governor, which of course means the Minister in Executive Council, must appoint the General Manager and approve his terms and conditions of appointment, it would be reasonable that the terms and conditions of appointment of an acting General Manager would at least be restricted to those approved by the Governor in Council and not by the Corporation. This temporary appointment could be for an indefinite period. There is no restriction on this period, and I am not here going to give any blank cheque in that form.

Section 17 sub-section(3)(e) provide and maintain roads, water and sewerage systems, car parks, piers, public parks, public gardens and other public amenities.

MR. BRIGGS ADAMS (CONTINUING): Surely, Mr. President, this is too broad a power. If this Bill sought to restrict those functions in respect of those facilities for developments for which they were responsible, I could support it, but there is nothing in this section or any other section to limit these powers to developments which the Corporation is undertaking, and I do not see why we should turn over the administration of public funds to this Corporation.

Sub-section (g) with the approval of the Governor make gifts or donations in deserving cases. Gifts of what, and gifts for what? I agree with the First Elected Member from Cayman Brac who said "We have a Welfare Department quite capable and knowledgeable in discerning those persons in need of gifts, and in this respect I must again refer to earlier deliberations when I called the attention of this Honourable House to the possibility or to the wide abuse of housing provided by Government in other territories, and I specifically said that when legislation was being proposed in the Cayman Islands we had to ensure that no political patronage could be involved, and this does not talk about making a gift of a house or a donation toward a house or anything else, and I want to know a gift of what and a gift to whom.

ADJOURNMENT

HON. E. M. BODDEN: Mr. Presidents Sir, it is one o'clock, and I beg to move that this House do now adjourn.

QUESTION PUT: AGREED.

Mr. PRESIDENT: The Honourable Member has of course the right to continue his speech tomorrow.

AT 5:00 P.M. THE HOUSE ADJOURNED UNTIL WEDNESDAY MORNING 27TH MAY, 1981 AT 10:00 A.M.

THIRD MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON WEDNESDAY, 27TH MAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS PADDLE CMG, OBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DAVID E BAPTICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON VASSEL C JOHNSON, CDS, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT |
| HON JOHN R MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON G HAIG BODDEN | MEMBER FOR COMMUNICATIONS AND WORKS |

ELECTED MEMBERS

| | |
|---|---|
| MR CALPHTON J SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR D DALMAIN FRANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DENNIS O FRANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR W NORMAN BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE EULEAN BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| CAPT MICHAEL S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS |

ORDERS OF THE DAY
THIRD DAY
WEDNESDAY, 27th MAY, 1981 at 10 a.m.

1. REPORTS TO BE LAID ON THE TABLE -

(i) THE CAYMAN ISLANDS CORPORATION BYE-LAW NO.1 of 1968(AMENDMENT) BYE-LAWS, 1981

(ii) REPORT ON THE CAYMAN ISLANDS POLICE FORCE FOR 1980

2. QUESTIONS

MISS ANNIE HULDAH BODDEN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 38: Will the Member make a statement concerning the non-availability for agriculture and the non-availability of water on land situate in Lower Valley, Block 37A, Parcel No.26.

3. GOVERNMENT BUSINESS:

BILLS: (i) The Housing Development Corporation, Bill, 1981 - CONTINUATION OF DEBATE ON SECOND READING

(ii) The Patents and Trade Marks (Amendment) Bill, 1981 - FIRST & SECOND READINGS

(i) The Imprisonment (Amendment) Bill, 1981 - COMMITTEE THEREON do.
(ii) The Liquor Licensing (Amendment)Bill, 1981 do.
(iii) The Wreck and Salvage (Amendment)Bill, 1981 do.
(iv) The Housing Development Corporation Bill, 1981 do.
(v) The Patents and Trade Marks (Amendment) Bill, 1981 do.

(i) The Imprisonment (Amendment)Bill, 1981 - THIRD READING do.
(ii) The Liquor Licensing (Amendment)Bill, 1981 do.
(iii) The Wreck and Salvage (Amendment)Bill, 1981 do.
(iv) The Housing Development Corporation Bill, 1981 do.
(v) The Patents and Trade Marks (Amendment)Bill, 1981 (SUSPENSION OF STANDING ORDER 47) do.

GOVERNMENT MOTION NO.1 - LOANS - CARIBBEAN DEVELOPMENT BANK
TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER (FINANCIAL SECRETARY)

4. PRIVATE MEMBER'S MOTION NO. 1.

TO BE MOVED BY MISS ANNIE HULDAH BODDEN
TO BE SECONDED BY CAPT. C. L. KIRKCONNELL

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WEDNESDAY, 27TH MAY, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I crave the indulgence of this House to make a few remarks on a matter of great importance, and to say that as to day is your birthday I would like on behalf of all Members and officers of the legislative Assembly, the people of the Cayman Islands and particularly the people of my constituency to wish you a very happy birthday and hope that you may live to see many more

We would all like to have you Sir, as our guest at Luncheon today at the Lagoon Bar and Restaurant, Royal Plaza, and hope that you will see fit to adjourn this meeting at 12:30 P.M.

MR. PRESIDENT: I am not sure that this is covered by Standing Orders. I thank the Members very much for the good wishes. As my father observed on his 87th birthday, I am only one day older than I was yesterday.

MR. PRESIDENT: There are two reports to be laid on the Table.

REPORT OF THE CAYMAN ISLANDS CORPORATION BYE-LAW NO. 1 OF 1968 (AMENDMENT) BY-LAWS, 1981 - TO BE LAID ON THE TABLE.

HON. JAMES M. BODDEN: Mr. President, I beg to lay on the Table the Cayman Islands Corporation Bye-Law No. 1 of 1968 (Amendment) Bye-Laws, 1981.

MR. PRESIDENT: So ordered.

REPORT OF THE CAYMAN ISLANDS POLICE FORCE FOR 1980.

HON. V. G. JOLICOEUR: Mr. President, Honourable Members, I beg to lay on the Table of this Honourable House the Report on the Cayman Islands Police Force for 1980.

MR. PRESIDENT: So ordered.

QUESTIONS

MISS LANNIE HOLDAR BODDEN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 28 Will the Member make a statement concerning the unsuitability for agriculture and the non-availability of water on land situated in Lower Valley, Block 37A, Parcel No. 23

ANSWER:

Before agricultural/residential land is designated for the purposes of regulation 18 (1) of the Development and Planning Regulations so as to enable building of houses at a density of three per acre the Authority must be satisfied that the land is situated in an area designated by the Governor in Council to be land -

(a) not situated over a water lens.
(b) not particularly suited to agriculture.

ANSWER TO QUESTION 28 (CONTINUING):

An Order to that effect was published as part of Gazette No. 28 of Gazette No. 7 on the 6th of April, 1967.

The factual basis for such Order is to be found -

1) in the (Richard and Dumbleton Report) which shows the land in question to be beyond the limits of the nearest water table, and

2) in the Report of the Director of Agriculture that the land was unsuitable for agriculture.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, with your permission, I should like to ask a supplementary question. And the question is this: Is it not a fact that wells have been drilled in this area, and water found in the locality?

HON. JOHN D. MCLEAN: Mr. President, to the best of my knowledge, wells have been dug in various parts of these Islands testing for water. This does not say that due to the fact a well was dug in that area, that it was actually in the water lens.

MISS ANNIE H. BODDEN: Mr. President, this is rather a statement and then a question will follow. Is it not a fact that in this particular area there was a housing scheme being considered, and in fact I am reliably informed some of the houses were being built, that was the reason why this area has been changed and called unsuitable for agriculture.

HON. JOHN D. MCLEAN: Mr. President, I do not know if the Lady Member knows the area, but to the best of my knowledge there are houses all over that area.

MISS ANNIE H. BODDEN: Mr. President, I am well acquainted with the area because I have a lot of land in the Bothwood development, but is it not a fact that houses were being built there without planning permission?

HON. JOHN D. MCLEAN: Mr. President, I really cannot tie the supplementary question with the original question posed.

MISS ANNIE H. BODDEN: Mr. President, the question was - The Member to make a statement concerning the exact circumstances why this change was made and my submission is Sir, respectfully, that this has to do with the question which was originally asked.

HON. JOHN D. MCLEAN: Mr. President, it has been pointed out in my answer, that a report has been done by Richard and Dumbleton, a report has been given by the Director of Agriculture, and in both cases it has been stated that the land was situated beyond the limits of the water table, and the Director of Agriculture stated that this land was unsuitable for agriculture.

SUPPLEMENTARIES (CONTINUED):

MISS ANNIE R. BODDEN: Mr. President, I wonder if Members of this Legislature could be supplied with a copy of this report.

HON. JOHN B. MCLEAN: Mr. President, the Richard and Dumbleton report is presently under study, and as far as I know all reports which are done for the Government become public knowledge to legislators as soon as possible.

MR. BENSON O. EBANKS: Mr. President, with your permission a supplementary. The date has been given when the order was published in the Gazette. Could the Member state the date of the Dumbleton report and the date of the report of the Director of Agriculture referred to in his answer.

HON. J. B. MCLEAN: Mr. President, I do not have the dates with me, but I will be happy to have them for the Member when I arrive in Cayman.

MR. BENSON O. EBANKS: Further supplementary Mr. President. Was the report of the Director of Agriculture specifically requested in connection with the parcel of land mentioned in the question?

HON. JOHN B. MCLEAN: Mr. President, this is the normal procedure when an area has to be changed. I would refer to another area in the North Sound area which has just recently been dealt with, and I cannot think of anybody else more suitable to do it than the Director of Agriculture.

MR. BENSON O. EBANKS: A further supplementary Mr. President. Had development commenced on this parcel of land - housing development commenced - on this parcel of land prior to the publication in the Gazette?

MR. PRESIDENT: I think we are getting very far away from the original question.

MR. BENSON O. EBANKS: Mr. President, I think this is the meat of the whole question.

MR. PRESIDENT: In that case the question should have been asked in different terms. Because the supplementary is not related to the original question.

MR. BENSON O. EBANKS: I bow to your ruling Mr. President, but I would humbly submit that the original question would allow my supplementary in that it is all dealing with the change of the use of the land.

MR. PRESIDENT: The question is directed to the unsuitability for agriculture and the non-availability of water.

I think that the Honourable Member's supplementary is going rather far from the terms of the question.

MISS ANNIE R. BODDEN: Mr. President, if I may be permitted to ask, my question is this: Why this particular area was looked into as being unsuitable?

SUPPLEMENTARIES (CONTINUING):

HON. JOHN B. McLEAN: Mr. President, in such an area before these homes can be built it must be looked into, and the zoning changed. This area was designated as agricultural/ residential, and due to the fact that an application had been made to have a certain amount of homes built, this was the only way that it could be done.

MR. BENSON O. EBANKS: Mr. President, in view of the answer just given could I ask whether development had been commenced before the application was received.

HON. JOHN B. McLEAN: Mr. President, am I to answer supplementary question, on supplementary questions or supplementary questions on my original question?

MR. PRESIDENT: Supplementary question must be directed to the original question.

MR. BENSON O. EBANKS: Well Mr. President, if the supplementary answer does not elucidate the original answer, supplementaries continue to try to elucidate it.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask a question, and it is this: In the first instance who and how was it decided that this was suitable for agricultural purposes?

HON. JOHN B. McLEAN: Mr. President, I thought I made it abundantly clear in my first answer, the Director of Agriculture.

MISS ANNIE H. BODDEN: Mr. President, is it not rather strange that only this particular area has been so dealt with when there were other such applications made?

HON. JOHN B. McLEAN: Mr. President, I think the Lady Member is making a little too much, but what I would like to say is, since I have been in office anybody that has applied to the best of my knowledge has been dealt with in this order.

MISS ANNIE H. BODDEN: Mr. President, I disagree that I am making too much, perhaps I am not wanted to ask one question.

MR. PRESIDENT: If there are no further supplementaries, we can take question time to be closed.

CLERK: THE HOUSING DEVELOPMENT CORPORATION, BILL, 1981 CONTINUATION OF DEBATE ON SECOND READING.

MR. BENSON O. EBANKS: Mr. President, when the House rose yesterday, I think I had reached the point of section 17 sub-section 2 (g) in my contribution to this debate, and I would like to continue this morning by starting with section (h) and that is where the section says in particular and without prejudice to the generality of the provisions of sections (1) and (2) the Corporation may - and section (h) says 'provide, maintain and keep up government houses and other buildings.' Now Mr. President, what other buildings are we talking about in this Bill? Surely if the function of the Housing Authority is to provide housing and matters incidental thereto it cannot include other public government buildings.

MR. BENSON U. MARKS (CONTINUING):

Section 20, Mr. President, sub-section 2, reads "that where the Financial Secretary is satisfied that there has been default in the payment of any principal monies or interest guaranteed under the provisions of this section he shall direct the repayment out of the general revenues of the amount in respect of which there has been such default," and of course Mr. President the guarantee refers to the guarantee given under sub-section(1)of this section which means that the Legislative Assembly has guaranteed the repayment against the general revenues of the country. Now Mr. President, I am not prepared to have this power even delegated to the Financial Secretary, because this says 'once he is satisfied that there has been a default.' It is a well known fact that many people default in repayment of debt even though they have money, and this section could be abused where the Corporation could be in possession of funds but refuse to repay a debt and create a charge upon the general revenues and reserves of the country, and if this section is going to be left in any form it will have to be with the approval of the Finance Committee of the Legislative Assembly.

Mr. President, section 27 "the Corporation shall establish a Reserve Fund which shall be dealt with and applied in accordance with any directions which may from time to time be given to the Corporation by the Member," meaning the Member of Executive Council. Now Mr. President, this is certainly a very broad power. It is a matter of finance which up to this point has been kept in the control of an Official Member of Government and the Legislative Assembly, and I am not prepared Mr. President, to support this section. This must be similar to the Port Authority which my good friend mentioned yesterday. They must either have a limit set above which revenues or funds are paid into the general revenue of the country, or the disposition of this money must be at the discretion of the Legislative Assembly.

Section 28, Mr. President, Application of funds.. The funds and resources of the Corporation shall be applied in the following manner, that is to say financing, and sub-section (a) (iii) says "cost of and incidental to the building of houses by persons generally", surely Mr. President, this is not the intention of this Bill. The funds of the Corporation would have to be reserved for the building of houses by the Corporation, and I wonder if this, generally, is what the Member would limited that application only to middle-class and Lower income persons. This opens the door Mr. President, as far as I am concerned for it to be used for building of mansions, and this is not the intention behind this Bill as has been said.

Again Mr. President, in this section we see under sub-section (2) (iv) the words creeping up again, "other buildings" was given "other government buildings". Now what a power is this Bill seeking to bestow on this Corporation? It appears to me as I go through this Bill that the only thing that meets the purposes of this Bill is the Memorandum and Objects of persons which does not form part of the Law.

Under section 32, sub-section (1) Mr. President, and I am only making this suggestion in the event of there being a possibility of salvaging this Bill at all, I would like to see a provision where surpluses could be paid into the general revenues of the country from time to time. As I see it no provision is made for the application of the funds of the Corporation for this purpose.

Section 33 Mr. President, provides that the Corporation shall keep accounts of its transaction to the satisfaction of the Financial Secretary and such accounts shall be audited annually by qualified accountants appointed by the Corporation, but under sub-section(3)of this section we find

Mr. BENSON O. EBANKS (CONTINUING): that the audited accounts are to be forwarded to the Member and not to the Financial Secretary. If the accounts are to be kept in accordance with the wishes of the Financial Secretary, surely Mr. President, the place for the report and the audited accounts to be sent is to the Financial Secretary and possibly with a copy to the Member.

Section 24, Mr. President, sub-section (2) is in my opinion redundant, it says "that the Corporation upon, after, shall send to the Member a report containing a statement of the accounts of the Corporation audited in accordance with the provisions of section 23." I am saying that this section is superfluous to sub-section (3) of section 23.

Section 25, Mr. President. I touched on yesterday, and that is the acquisition of land under the powers of the Land Acquisition Law for purposes of housing. I contend Mr. President, that by no stretch of the imagination can houses being built for sale be deemed a public purpose. Once this land is sold it becomes private property and is no longer for the public use. The only way that this section can have any application to a public purpose, would be if the land was being acquired for the erection of houses for the use of government essential personnel, and if this is the intention, well then we are going to spell it out in the Law. We are not going to leave this as a blank cheque.

Section 28, sub-section (1) Mr. President, gives the Corporation power to lease land, determine the terms of the Lease, and provides it is not done without the prior sanction of the Member, if he so chooses. Mr. President, the First Elected Member from Cayman Brac yesterday made the suggestion that this be changed to Governor and it was suggested that this would be unconstitutional. I am going to deal with the unconstitution a little later. But I am saying that this must be with the Governor, because whenever Governor appears in this Law or will appear after it has been amended, it means Governor in Council, and all the First Elected Member from the Brac was saying, and what I am saying, is that we want to ensure that the principle of collective responsibility is adhered to in the exercise of these powers. Again, Mr. President, the same thing goes for sub-section (2) where it says that they can sell or lease the land, we are saying that this must be by the Governor in Council.

Section 29, Mr. President, sub-section (1) is a very broad section, and the First Elected Member from Cayman Brac yesterday touched on it. It says "the Trade and Business Licensing Law (Revised) shall not apply to the Corporation or anything lawfully done by it." Now, Mr. President, the Honourable Fourth Elected Member of Executive Council in his submission yesterday evening made much of this objection by the Member on my right from the Brac, but I am sure that as in other sections of this Bill, the Honourable Member misdirected himself, or he would not have said what he did. If this section stopped at Corporation, there would be no objection to the inclusion and the provision in the Law, but it goes on to say "or anything lawfully done by it", and the Corporation is empowered under other sections of the Law to not only carry out work in its own name or by its own employees, but to employ persons from outside or private contractors or whatever to execute jobs, and I am saying that there is no reason why the Corporation should not be subjected to the Trade and Business Licensing Law in respect of contractors which they may bring in to do a job, or seek to have to do a job. It would be manifestly unfair to have such a provision in this Law. Pretty soon you will see more people with hard hats driving their own bulldozers on

MR. BENSON C. EBANKS (CONTINUING): developments than you see today, who have no right to be doing so under the Trade and Business Licensing Law.

Under that section the Honourable.....

HON. JAMES M. BODDEN: Mr. President, a point of order. The last imputation that was made by the Member speaking I would consider to be very much out of order in impugning the character of anyone who may consequently be in charge of the administration of this programme. I think that should be withdrawn.

MR. PRESIDENT: I am sorry there is no point of order there.

MR. BENSON C. EBANKS: Mr. President, maybe the Member will consider withdrawing the provision from the Bill.

HON. JAMES M. BODDEN: No!

MR. BENSON C. EBANKS: That is what will be in order. The Honourable Fourth Elected Member from Bodden Town also made a submission that, if goods or imports duty is exempted from goods imported by the Corporation, there will be no loss of revenue to the country, because you will be taking it from one pocket and putting into the other. Mr. President, I hope I am not out of order, but I do not believe he even believed that himself. Surely if today when houses are being built import duty is paid on all materials that are brought in, and by this law, we say that we are making a Corporation responsible for providing houses which, dream as broadly as it is, one can refer as I said to mansions, they bring that material in duty free, then there is an obvious and manifest loss of income to Government, and the purpose of this Bill is to seek to make housing available but not to destroy or reduce the revenue of Government and create a welfare state. It is to provide houses to be sold to people except in very special and peculiar circumstances, and I hope Mr. President that the Members on the other side will have a re-think of that section, the whole Bill in fact.

Section 24, Mr. President, Offences and penalties. It is peculiar that this law should seek to impose penalties for the offences listed here only, and to suggest sentences which are not in keeping with the same offence committed generally. I refer to the sentence that would be imposed under the malicious destruction or injurious to property law, something under the Penal Code; I think that these should be in consort. But Mr. President, why is there no provision in this law for penalties, for Members of the Corporation who commit breaches of the law willfully? For example, Members are required to declare any personal interest that they might have in a transaction before the Corporation, yet there is no provision for any fine or offence in the law for not doing so. Mr. President, provision will have to be made for that.

Now Mr. President, when the Honourable Third Elected Member was presenting this Bill yesterday he said that this was the second part of the legislation dealing with the matter of housing, and of course he referred to the Law the Amendment to the Development and Planning Law passed in the last session or sitting of the Assembly. Mr. President, as far as I can know there is no provision in this law to compel or require the Corporation to require the homes to be built under that Law, and I think it should be included, because the amendment that was passed says or the gist of what it says is that a developer under the Private Title Law can take one of two courses

MR. BENSON O. EBANKS: in the payment for the approval of the application for building the project. That is (a) he can contribute 4 percent of the value of the project to the Planning Authority or (b) he can elect to build houses to the value assessed by the Planning Authority which houses on completion will be deemed to belong to Government and must be purchased by Government. So by that amendment this Assembly puts a direct charge against the revenues of this country, and I would have thought that this Bill would have removed that wild and nebulous charge from the general revenues and reserves of the country and put it on the Corporation.

Now, Mr. President, in my time in Government, I have always tried to look at the legislation of a Law with the first presumption that it will always be fairly and honestly administered. But, as I said yesterday, and as I said in the Budget Session, Government housing in other countries, particularly Caribbean countries, has been responsible for more crime and violence than any other single factor I can think of, and this is so, Mr. President, mainly because they were given to less fortunate people to live in. This includes houses that would be included under this Law, that is houses that are being bought. Anyone who has kept up with events in the other Islands will have read that every time there is a change of Government you find that occupiers of homes who probably with the consent and connivance of the previous Government had not been making their payments, are evicted and the supporters of the present Government put in the same houses, and Mr. President, this is why the members who have refused to accept this Bill as it is presented are so meticulous and careful about its provisions, because we do not want that type of intimidation in our country. It might be said, Mr. President, that I am stretching my imagination, but it was only about a year or so ago when objection was made and raised by people to the sale of a piece of Government property and it was published abroad that this piece of property was foreshore, it had no value, it could not be made of any value for the use of the people of George Town, but because it was adjacent to another piece of property and proposed development it was necessary to enhance.....

HON. TRUMAN M. DOPPIN: I take a point of order, Sir, I do not see the relevancy of this.

MR. PRESIDENT: I was about to make the same intervention. I think we are getting rather far away from the Housing Authority Bill.

MR. BENSON O. EBANKS: Mr. President, I think this is very relevant, because we are wasting here.....

MR. PRESIDENT: I am sorry. It is what I think.

MR. BENSON O. EBANKS: Mr. President, if we do not get it in today we will get it in another day.

I am sure, Mr. President, before this debate is concluded we are going to hear a lot about the Development and Planning Law 1971 or 1972 whatever it was, but I would just like to plead on record the fact that while that Law, as I remember it, made provision for certain lands to be set aside or acquired for public purposes it was intended to be for public purpose. They had to be paid for at market value and there would be facilities that would add to the quality of life for the people in the Islands and thereby enhance the value of any other property which they may have had. I would like to call specific attention to the fact that to my knowledge the provision under which the question was asked this

MR. SENSOR O. EBANKS (CONTINUING): morning, the swearing of the sentry in a land was under the original Law, did not vest in the Executive Council and could only be done something like sixty (five) years after being published for public scrutiny and after taking into account public objections by independent and impartial tribunals. So I want to make that abundantly clear before we have what I know we are likely to be hearing in this debate.

Now, Mr. President, the Honourable Fourth Elected Member from Bodden Town, from Executive Council in his deliberations yesterday tried to indicate that the use of the word "Governor" in this Law as proposed by the First Elected Member from the Lesser Islands of Cayman Brac would be unconstitutional, but that Member seems to have not seen or misunderstood sub-section (3) of section 3 under which the powers are delegated and this is a point I would like to deal with, Mr. President. I crave your indulgence to read both sections. It has to do with the assignment of responsibility. Sub-section (1) says "subject to any instructions given to him by Her Majesty through a Secretary of State, the Governor, acting in his discretion, shall, to the extent that he deems appropriate charge members of the Executive Council with responsibility for any business of the Government other than those matters reserved by the Constitution for the Governor." But sub-section (2) says "that it shall be the duty of a Member so charged with responsibility to act in the matters thereof in accordance with the policies of the Government as decided in the Council and in accordance with the principles of collective responsibility also." And that is all we are trying to preserve in this Bill, Mr. President, the principle of collective responsibility and to ensure that whatever is done is Government policy.

The Constitution provides that the Executive Council is comprised of the Governor as Chairman and three Official Members. We want to ensure that their input is in any actions in this Law, that is as regards any area which we have mentioned where we would like to see "Governor" which means "Governor in Council" substituted for "Member".

Mr. President, I have done my best to point out what I see as irregularities, ambiguities, unnecessary clauses, superfluous clauses in this Bill. Nevertheless the time afforded me and other Members of this Honourable House to study this Bill did not afford us the time to consult on this matter in any depth with our constituencies, or our constituency. In other words, Mr. President, I would like to have the opportunity to hold a public meeting with my constituents on this Bill before it is finally dealt with. And for this reason, Mr. President, at the appropriate time it is my intention to move a motion that this Bill be sent to a select Committee of this House for it to be dealt with. A Bill as important and far-reaching as this is in my opinion, should have the input of Members' constituents, there is no urgency for this Bill. It is not necessary that this Bill be passed into law today or tomorrow or next week. It can in my opinion, await the next session of the Assembly, or sitting of the Assembly after Members have had an opportunity to discuss it in a select-committee and to discuss it with their constituents. Mr. President, that suggestion is not a novel one, in fact that is the procedure which the Government hands in proposing for the Private Member's Motion of the Lady Member from George Town. I am saying with due respect that this is what should happen to this Bill. I am going to make the appropriate motion at the appropriate time, and I would hope that Members would think carefully about such a suggestion.

I know, Mr. President, that yesterday a Member of Government said something to the effect that in a democracy the majority rules. I am not sure in what context that was said, or what meaning was implied, but I hope that the Member was not saying that the other Elected Members of this

MR. BENSON O. REAVES (CONTINUING): Honourable House or that the views and submissions made by Members other than those supporting the particular Member, are going to be ignored, because that is not democracy, Mr. President. I hope it was not a threat to railroad or attempt to railroad legislation by dint of more numbers because I am aware that number, that that would be a dead end street. It might have happened before when there was no opposition, but it will not happen now.

Mr. President, I thank you.

HON. THOMAN N. BOLLERS: Mr. President, Pollock once said that the home is the most popular and will be the most enduring of all earthly establishments. Another phrase yesterday was raised by the opposition, and it was in the words of Sir Edward Coke in the early 1600's that a man's house is his castle. The aim of every country has to be towards ensuring that the largest number of people within its population are home owners. This is the biggest guarantee of security that one can get. I have listened very carefully to the debate, part of which was quite dazzling, and in fact if I may risk to say so, mainly went through the Bill clause by clause. The one thing that the opposition has not done again with this Bill, is to come up with a solution. You admit we have a problem, but you have no solution. We have put forward a solution as the Government and it is your duty in the interest of this country not just to look at a matter as being a problem but to find a solution. The mandate of our people is to ensure that we represent them and that we solve as many problems as we possibly can.

This law, I think is long overdue. It is a law that complements the earlier amendment made to the Development and Planning Law which clearly sets out that funds which are raised will go to such Authority or such Corporation as maybe charged with or have the responsibility for housing. I think that there is some misunderstanding and some confusion in relation to certain aspects of this Bill, and while it may be somewhat tedious, Mr. President, I would like to deal with the hon. Member's submissions, beginning with the last and moving forward to the first, time permitting. He mentioned that in the malicious destruction to injuries law under the Penal Code, as I understood he said, had penalities which were much lighter in relation to property. Why I am doing this Mr. President, is to show that perhaps sometimes a bit of research can really show whether a statement is a fact or is not. I would like to refer to section 222 of the Penal Code and just refresh the Honourable Member's memory because he passed this Law and it says "whoever by any deception dishonestly obtains for himself or another any pecuniary advantage is guilty of an offence and is liable to imprisonment for a term not exceeding five years."

Further, Mr. President, section 222 of that same Law makes the offence of malicious damage one which as it states here under the section "the offender is liable to imprisonment for a term not exceeding five years." If he then turns to section 28 of the Law, what is what is referred to the penalty there is a fine of $2,000.00 or imprisonment for twelve months. Moving up his arguments, Mr. President, the exemption from the trade and business licensing law has to be logical, because no one would want to license themselves to carry out an act for themselves
The license would then read something along the lines that 'We the Government hereby license ourselves, signed the Government.'

In relation to the hard hats during the builders, I would just remind this House that Work Permits, Gainful Occupation Licenses fall under the Caymanian Protection Law (Revised) and it does not fall under the Trade and Business Licensing Law.

HON. TRUMAN M. BODDEN (CONVINUED): A lot of the sections in this Bill are typical of sections that are in other Bills that relate to Corporations, and I would like to draw this House's attention for instance to the usual Corporation under the Companies Law. If you look at the memorandum of association of it, it states many many things, in fact a Corporation is normally empowered to do everything from owning a uranium mine back through to the retail business. There are some hundred and twenty-two articles in the articles of association, and maybe five percent of those are used throughout the life of the Corporation. This Bill is no different from that. It is not mandatory that the powers given to it are the powers that it must necessarily use.

Moving on to the reference to section 24, sub-section(2)(b) where the Member mentioned it was redundant in the light of section 23. If he reads that section very carefully he will see that they deal with two completely different matters. Section 24 (1) states "there shall be accounts", section 24 says "you shall submit the accounts within four months". The similarities between this and the Law that several Members in this House passed, the Port Authority Law, are once again fairly important. Many sections within that Law are directly relevant here, and in fact are actually lifted out of the sections in the Port Authority Law. Under section 4, sub-section(5), for instance, a lot was made of the fact that "the Governor may at any time revoke the appointment of any member if he considers it expedient so to do." Well, legal draftsmanuse different means of expressing exactly the same intention. The English language, Mr. President, is a very fascinating language, and I think one of the best that exists, and you can say in different words exactly the same thing.

Under section 5 (1) of the Port Authority Law it says "that the corporate body is established and, that those Members there shall hold office at the pleasure of the Governor." It means precisely the same thing. So it is futile, Mr. President, to play with words or endeavour to - (TAPE GARBLED) - distinguished as it is called in Law one word from another when they have exactly the same meaning. There are many sections in this Law which are similar and if one looks for instance at the powers and the financial procedure under section 4 sub-section(1)of the Port Authority Law and one compares it with section 20 sub-section (1) of the present Bill, you will find that the Port Authority has an unlimited power with the exception of the Executive Council to raise unlimited funds in nearly unlimited or through unlimited methods. This Law on the other hand has been more cautious. It says the Government, with the approval of the Legislative Assembly, but if the Third Elected Member from West Bay is so unduly worried about that provision being moved, this House would refer him to the Loan Capital Projects Law of 1973 and that gave 'the Governor in Council is hereby authorised to raise the issue of a loan, either at one time or by instalments as may be convenient an amount sufficient to produce as nearly as may be the sum of four million. And it was then increased up to eight million dollars. So that section is not new. It was created a long ago. It is quite usual and this Law actually curbs the power of the Executive.

MR. BENSON O. EBANKS: On a point of order, Mr. President, if the Member will refer to my deliberations, I took no exception to section 20 sub-section(1), which is the section he is dealing with. At no point did I question that. If the Legislative Assembly agrees to guarantee money I am happy with it.

HON. TRUMAN M. BODDEN: Mr. President, while I like being polite, I think the Member should, if he is going to rise and say 'I take a point of order,' follow the Standing Orders, state briefly what the point of order is and not make a statement, otherwise I will

HON. TRUMAN M. POSTER (CONTINUING): give way, in which case he cannot rise. So there is nothing novel about this law that has not been dealt with in the past by other Governments. One area, Mr. President, that seems to have worried the Members is the amount of power that has been placed in the Member who would be charged with responsibility for housing, and in fact a large part of the argument is around those sections of the law. If you look at this Law and compare it with laws in the past, such as the Town Authority Law which gives quite wide powers, one recalls to mind is the Health Services Law, which literally gives a Member unlimited powers and those powers in fact go as far as giving him power to carry out policies he creates, which constitutionally I think remains with the Civil Service part of the Government.

Then Mr. President, I would merely like to remind Members of the phrase of Aristotle a Greek philosopher in his book on politics (I think it was book three) in which he says "that the law should be reason, free from passion," and I say this because there is I believe a passion to ensure that Members at present are not given many powers which under similar laws were granted in the past. Moving up the arguments, one of statements that the Member from West Bay made was that the Port was one of the best things - perhaps Grand Cayman received during one of the previous Government's capital projects schemes. Well I quite agree with that, but, Mr. President, he imputed that not only was the dock built, but also there was an impression that it was also paid for at that stage. Mr. President, what is very certain and it is better to have this put straight at this stage - the repayments for that dock that the other Government built began in December of 1970. In fact all of those projects are being paid for beginning during this Government's term of office, so it is all well and good to say that the Port was built, but I think, to put the facts clear, you should state that it is being paid for by this Government. And I could go on and on, the Barclays Bank loan which dealt with roads once again.....

MR. BENSON O. EBANKS: A point of order Mr. President, the Port is not being paid for by Government.....

MR. PRESIDENT: The Member is not stating a point of order, he is arguing. What is the point of order?

MR. BENSON O. EBANKS: Well the point of order is that the Member is misleading the House not only on what I said, but on his own submission on facts.

MR. PRESIDENT: The Honourable Member has no right of reply on what the Member is saying on fact, he can correct a mis-statement of the Honourable Member's presentation.

MR. BENSON O. EBANKS: Mr. President, that was my first submission, that this Government is not paying for the Port, the Port Authority is a self-sustaining.....

MR. PRESIDENT: That is not a point of order. The Honourable Member is rebutting something that the Honourable Member has said. He has spoken once and he has no right to interfere in the debate further.

HON. TRUMAN M. POSTER: Mr. President, I see he is nearly as conversant with the Standing Orders as I was with one or two sections that are in the Law. I would ask if he does rise for a point of order, how much will it be. Failing that Sir, I do not intend to give way unless you say I should give way when he stands for a point of order, unless the fact too have not been

HON. TRUMAN M. BODDEN (ATTORNEY GENERAL): points of order.

It is a fact that the 3.6 million raised for the building of the Port is being paid for by this Government. A lot has been said in relation to the Development and Planning Law and its amendments and the way that it is linked in with this Bill. There is some fear that the Land Acquisition Law is now being used for a private purpose. I would just like to remind Members, as several of the Members opposing this have said that the Development and Planning Law 1975 and I quote "added to the quality of life in the Cayman Islands and enhanced other property that people had". What is the difference at this stage between this Bill and that? When if property is acquired by the Government and ultimately sold to people who are in need of those homes, then you have (1) added to the quality of life and (2) you have enhanced the property that they had. But where the difference between the Development and Planning Law and its amendments and this Law come in, is that when the zoning on that law originally put in what in the United Kingdom was referred to as white areas or areas which were zoned for nothing practical at all, you de facto took away from those people the use of that land, and there was no difference between that and acquiring the land by Government, and you paid no compensation. This is where the trouble arose in relation to that.

I think that if you look carefully at the history of that Law, and you compare it to this you will see that this must follow a democratic procedure of compensation being given, and that compensation is one which is dealt with in an equitable and a fully legal fashion. To give the impression that this Government is going to go around taking away people's land then you must look at the history of this Government. The only land that was forcibly acquired and compensation granted was the land acquired for the Port Authority, and it was acquired against the wishes of the Presbyterian Church in the Cayman Islands. So, since that time, with the exception of two small pieces of land that were acquired for the airport here, there has been (subject to correction) no other acquisition.

You have to look at the Law free from passion, there has got to be some reasoning within it. You cannot judge a person by merely labelling them when you have a full history that you can look at to see the quality of that person. It is negligent to assess a person without going into the past, going in to precedence of courses of action that they have taken. So you have no fear that there is going to be flagrant abuse of a Law which other Governments created a long time ago. It has not under this Government, and it is not going to be used in that way. We would be stupid to bring in the Land Acquisition Law when we can purchase property, and with the amount of alternative property on the Islands, I do not see it being used.

MR. PRESIDENT: If the Honourable Member is prepared to take an interruption we might suspend at this stage.

MR. PRESIDENT: Proceedings are resumed.

HON. TRUMAN M. HODGE: Mr. President, moving on to another aspect, the Elected Members for Cayman Brac have stated and supported that I think, with some petitions to the effect that perhaps people within Cayman Brac and Little Cayman may not be extremely happy with certain aspects of the Law. Well, basically as they know, their duty is to represent their constituencies and historically the other section that amended the Development and Planning Law which naturally would have raised funds through a levy on the building of condominiums, and it is that section I refer to which was the fore-runner of this Law, the Members requested and I believe they received an exclusion from that part of the Law. They also asked that they be excluded prior to that from having a Development Plan and once again those wishes were granted.

I think that one can accept that there are differences in the stage of development within the three Islands, and in fact there may well be that measures that are good here in Cayman Brac may not be good for Little Cayman nor good for Grand Cayman. However, I believe that wherever possible we should endeavour to pass legislation as a whole, but as I mentioned similar exceptions were made in the fore-running section to the amending section to the Development and Planning Law where a request for exclusion was made.

I think that on the other hand Members of this House should see that the need in Grand Cayman is one that is both urgent and great, and problematical, and therefore perhaps there may be a situation of looking at the geographic areas and assessing them separately. However, I believe that every Member in this House accepts the fact that something needs to be done to relieve the housing problems.

Going back to look at some of the similarities which remain between the Port Authority Law and the present Bill, we will find that in section 4 (3) of the Port Authority Law it provides "the Authority may with the approval of the Financial Secretary, invest its reserve funds as interests," and a similar power is given under the present Bill in section 22, sub-section (b) paragraph 6 it says: "in defraying the following charges sums to be appropriated to the Reserve Fund," so that once again is nothing new.

If you look once again at section 4 (2) of the Port Authority Law there is further power that "the revenue of the Authority shall be applied to meet the following heads of expenditure, (a) reserve fund for depreciation and renewals, (b) general reserve fund", and then comes the clause (f) which is similar to section 22 (b) paragraph 7, where it says miscellaneous expenditure approved by the Financial Secretary, and section 22 (7) says "the payment of all other expenses authorised by or incidental to the operation of this Law and of any other expenditure authorised by the Corporation."

Another point was raised on section 17 (h) that where it provided that the Corporation may provide, maintain and keep up government houses and other buildings, this, Mr. President, comes under what in Law is referred to as the Jusdem generis rule, and it is basically that where there is a specific word followed by a general word it is limited within the generality by the specific word that preceded it. I notice the Lady Member nodding, as she knows that rule I am sure quite well.

Further some concern was raised in relation to section 17 (8) (g) that the Corporation may with the approval of the Governor make gifts or donations in deserving cases. Well, this is a power that once again is limited by what would be a deserving case, for instance they may will wish to make a gift to the Red Cross for work done during a hurricane for instance, or they may

HON. TRUMAN M. BODDEN (CONTINUING):

even be more than that, but if this power is not in here then it cannot be exercised, and I draw the analogy between this Law, which creates a corporate body and a company which has many, many objects in it, but it does not necessarily mean that they are going to be exercised or that they are going to be exercised in a way which is repugnant to the intent of the Corporation.

The sections that were referred to such as sections 10, 11, 12, 13, and 14 are procedural parts of the Law which one always finds in a Law of this sort, there must be power to appoint officers or the Corporation could not act; there must be power to appoint a General Manager, there must be power to delegate authority to the people to whom you appoint. Without this then the Bill could not really operate. While a bit was made that there is power to fill a vacancy in the General Manager's post, in section 12 and this is quite usual. If somebody has created a post for any reason there has got to be power to fill it.

One of the important things that the First Elected Member for Cayman Brac raised, and he is quite right in that, there has been an error in that respect, is that the quorum is actually more than the minimum number of Members under section 4 (1), and this is something that I think is perhaps a slip, and it should be corrected.

Under section 16 much was made about the fact that Executive Council, the Governor in Council, must consult with the Chairman before directions and policy are given to the Corporation. The Member made the point that it may be, or assumed that the Chairman would always be the Member. Well this is not necessarily the situation because the Governor's power is to appoint a Chairman, and it need not necessarily be the Member responsible for Housing. However, once the appointment was made and it was different from being the appointment of the Member, I think that it is only reasonable that the Chairman should know what policies are going to be made and be consulted with, prior to those policies being put into the form of authority. So if it is looked at in that light, I think that one will see that it is quite in order for it to be placed there.

Another important point in section 17 (2) which gives the Corporation's powers is that section is not obligatory, it is discretionary, it says the Corporation may do something, it does not say the Corporation <u>shall</u> do it, and this once again to the Legal Draftsman and to Lawyers at least is very common in corporations. If you look for instance at some of the Church special laws that were put through the House, you will find they have very wide powers that go far beyond what a Church is going to do, but if it is not in this Law then this Legislature would continue to amend and amend and amend ad infinitum and a good law must be one which is comprehensive, which is complete, which is simple, and which covers most of the foreseeable problems and aspects that the utterance of which it has been legislated for may arise.

One of the objections I think made by the one of the Members to Cayman Brac was that it was complex and is very fairly long, and I will accept that they are both, but they are not dissimilar to other laws that are on the statute books of the Islands at present. One of the things that should not be confused here is that there is a difference between the aim of this Law, the creation of this statutory corporation and the grant of poor aid relief to people, that fields under my portfolio and it is clear and distinct from this, there can be some overlapping, but the main intent of this Law is not an Act to delve into the area of poor aid relief.

I know the Second Member from Cayman Brac was worried that in the United Kingdom unemployment was as he stated "rampant", and he worried about this being social

HON. VERNON M. BODDEN (CONTINUING): legislation, but I would assure him that the social aspects of this fall under the other vote, under the poor and relief, and secondly that this will create jobs, it will not create unemployment.

Mr. President, to sum up, this Bill is very much overdue, if for geographic or other reasons there perhaps needs to be a look at the different geographic areas within the Islands then that is an aspect that I believe the two Members in this House from here are competent to deal with. It is a comprehensive Law, it is a complex Law in some respects, but if you look at it and if you follow the comparisons that I have made with the Port Authority law, the Town Capital Projects Law, you will find that it is not materially different when it relates to the powers, when it relates to the exemptions, and when it relates to the rights and the duties of officers under the Law.

Mr. President, we have a housing problem and I believe it is the duty of this House to solve that problem, to make an attempt at this stage to either materially alter or to slow down on a solution which has been put forward by this Government of which there appears no further solution on the floor is really shutting our eyes to this problem, and it can only become more complex as time goes on. It was Sir Winston Churchill that said "an optimist sees an opportunity in every calamity, a pessimist sees a calamity in every opportunity," and I would ask this House to be optimistic and take the opportunity now before it to remedy this problem and to pass the Bill in its form.

MR. BENJAMIN D. BRANES: Mr. President, the housing problem now is a very serious problem in these Islands. It is a must that we have to see and do something about the situation.

I know that in the 1980 campaign this housing scheme was taken for a political football, I thought by now everybody had settled their minds - that we will move into this together and see what could be done about it. But it seems to me that it is still used as a football, or to cause a delay action. I for one would like to see this Bill move forward and to get on with the works of the Corporation. Whatever can be done in this House to settle this problem to get things ironed out, I am willing to do my part, and I feel that every Member here should seek to do the same thing. I thank you.

MR. CARLTON J. SMITH: Mr. President, I will begin my short speech by saying I do not consider myself an authority on drafting laws or either being a Legal Draftsman like some of our previous speakers, so I can assure you, Sir, that I will not waste much time of this Honourable House and will make my remarks very brief this morning.

Mr. President, much has been said in this Chamber on the merits and demerits of this Bill, but after listening very carefully to the arguments put forward on this Bill and also taking this Bill and also taking this Bill and studying it nothing has convinced me that I am wrong by supporting this Bill before us here today. It is quite true, Mr. President, that there are some confusing sections in this Bill, especially I refer to section 17, but Mr. President, after studying it I find that provision is already made in the Land Acquisition Law, where government if they went into private or public development they have powers to take people's land, but at the same time they will have to pay for this land at the going price at that time. In my opinion, Mr. President, these powers laid out in this Bill will not be used. I have the confidence to believe that these powers will be only used in specific cases such as the need maybe for a hospital or a school, or some very essential facility that government may need at sometime or other.

The Bill before us here today, Mr. President, is a very important one, a Bill that I consider is

MR. CARSTON J. SMITH: (CONTINUING): badly needed, and in my opinion is long overdue. I remember, Mr. President, in my campaign I also promised the people of my constituency to work towards an end of getting low cost housing, and, Mr. President, that is just what we are trying to do here today. This Bill we have here before us today is not designed just to help a select few, but is designed to help all and sundry.

Mr. President, in conclusion let me say I feel that as a representative of my people I would be failing in my duty if I did not support this Bill, and to all of my colleagues I ask them to support this Bill in the interest of the people of these Islands, and not be guided by a select group who already have their pockets filled, and have never known the need of anything in life, and have never thought of those less fortunate than themselves. I thank you, Mr. President

MR. PRESIDENT: If there are no other speakers does the Honourable mover wish to reply?

HON. JAMES M. BODDEN: Mr. President, this debate has gone far and wide. I will try to be comprehensive, I will try to answer in the same light the many different things that have been posed by the opposition to this Bill.

First of all let us make one thing plain with the introduction of this Bill. This Bill is not a form of poor relief, it is not giving away something new in this Bill being enacted to help the person who already has money. This Bill is hoping to correct the anomalies that exist in our society today with the less privileged, and by the less privileged I am meaning families that are probably living on a combined income of $16,000.00 to $20,000.00 per year. All of you who have raised opposition to this Bill must remember one thing that today interest rates are exceptionally high; on the going market today you are paying more than twenty one percent interest for money. Maybe those with money can pay it, but the family who is earning $15,000.00 to $20,000.00 per year cannot afford to pay this high interest rate on top of the principle on a seven year loan to get a home, and must we in an affluent society like the Cayman Islands let the majority of our people (and more than fifty percent of our people fall into that bracket), must we subject them to living in substandard homes? I say that anyone that would raise that issue is raising something to the detriment of the country in which we live, and they should hang their heads in shame.

The old Planning law if it had been enacted, would have made the land worthless, and land is one of the main assets that a Caymanian has, yet a great deal is being made out of this because government can take it under an Acquisition law. I do not recall exactly how long the Acquisition law has been on the statute books of this country, but I am sure it is at least a hundred years, so you have lived under it for several generations and it is nothing new, and I am not ashamed to come here and put it forward that in the future if it should be necessary for the Cayman Islands government to compulsorily acquire land, and pay the fair market value of it to provide home sites for the poorer people of this country, I support it today and I will support it a hundred years from now.

Talk has been said about it being unconstitutional; the constitution which we operate on was put forward in August of 1972 by some of the same Members who are today fighting it in this House and the constitution of this country which they enacted gives the Legislative Members that are duly elected by the people certain powers, so we are not acquiring or attempting to acquire anything new today that has not been on the statute books of this country since August of 1972, and Jim Bodden and Ezzy Bodden were not Members of the Legislature at that time, neither was Truman Bodden.

HON. JAMES M. BODDEN (CONTINUING):

They talk, some of them about communistic principles, do these people who suppose they even understand how to spell the word communism or are they just parroting the words told to them by other people.

Mr. President, let us make one thing clear the law of chiefdom went out in the medieval ages, and it does not reign in the Cayman Islands anymore. What we are doing today, in attempting to do is something that is good for the majority of the people of these Islands, and when a law is good for the majority that it must be accepted by the majority and the whole will have to live under it, that is the law of democracy. Our people cannot be expected to live under the conditions in an affluent society that they have been living under, just because it suits the whims and fancies of a few people. Not just because one person is in the position that they can take care of their own immediate needs, or the immediate needs of their families that this law should not be put on the books. Responsibility to a community is much far reaching than that, it rests on your shoulders whether you are wealthy or not to try to take care of those who do not have the means to take care of themselves.

We are dealing with housing, and housing is one of the most important aspects of life in the community. The old saying that a man's house is his castle is a very true and appropriate one. If we continue in the Cayman Islands to build a country where we have majestic buildings for government as well as the private sector, we continue to build condominiums, we continue to build hotels and then we tell the people that work in these condominiums and hotels that when they are through with their eight hours work that they must go back to a shack on the side of a hill and live like a pleb. These are not the days and these are not the things that are good for the people of the Cayman Islands, that is what will ruin the culture in the country that we have built, and our forefathers built. I am not espousing anything that is communistic, I am espousing something that I think is good for the people of our country, and today if we continue.....

MR. PRESIDENT: I would be grateful if the Honourable Member would address the chair.

HON. JAMES M. BODDEN: Yes, Sir. If we continue today as we have in the past to expect that three or four families are going to continue to live in love and comradeship under the same roof, three and four generations, it cannot happen. If you are ever going to get problems in a country that is where your problems will come from. These are the things that we as responsible Legislative Members must try to avoid, we cannot expect that Mr. Johnson or whoever may succeed him as Financial Secretary will be able to come to this House or any other place in the Cayman Islands that the House should be legally constituted, and give glowing financial figures if our people are not living in some of the affluency that they associate with. People making a combined income of between $15,000.00 and $80,000.00 a year, cannot afford under the present system to pay twenty-one percent and more interest, and on a short term loan of seven years to pay off a home. If you talk about Third Class as in Jamaica, that is a good way to get them. We will soon have them spread throughout the Cayman Islands, and if you people are looking for that for the future of this country, I would not want to associate myself with it, I do not look for that for the good of my people.

Confusion appears to be rampant here today, and basically as I have listened to the voices raised in opposition, the opposition is really not to the Bill, it is mainly in the responsibility that is being given by this Bill to the Member who has piloted it through, and whose

HON. JAMES M. BODDEN (CONTINUING): portfolio it comes under which happens to be myself. This is nothing new to me, I am used to that type of opposition and I am prepared to face it head on.

If the Members for Cayman Brac and Little Cayman find this Law to be so offensive to themselves and their people they can request, as it has been done in other Laws that they be exempted from it, maybe this would be the correct thing to do as they opted to take Cayman Brac and Little Cayman out of the enabling legislation, as I would call it, which was the first phase of the Housing Bill in the changing of the Planning Law. The Planning Law - the change that was effected in it helps to build up money, to provide money for the operation of this Law when it comes into effect, and if they do not want it they do not have to have it, but I feel that Grand Cayman is in dire need of either this piece of legislation or something very comparable to it. No one can say that Cayman Brac and Little Cayman for the past five years have not enjoyed the bounties of Government, because per capita these two islands have received much more in capital expenditure in other areas than even Grand Cayman has gotten, and that policy continues into force this year because the benefits that have been extended to these islands in the last five years and are being extended this year are even greater than they have been in the past four years.

One Member said that this law is suitable for the United States of America, Canada, France and some other places, that our islands cannot afford it. Why can not our islands afford it? When today our islands are considered to be one of the largest financial havens in the western world. Why can not we afford it, when we have three hundred and something banks in the Cayman Islands? Why can not we afford or not we as the government, but why can not we go out and secure money over a long term period at very low interest rates and pass it on to the people in the community at a rate of probably nine or ten percent interest over a twenty year period. Is that what we cannot afford? You are affording to pay twenty-one percent interest now, and you cannot afford to pay ten percent in the future? Are you telling me that the people of our islands are inferior people in these other places and that our own people should not have the amenities of a decent home?

MR. PRESIDENT: If the Honourable Member would take an interruption at this point, we might suspend.

HOUSE SUSPENDED AT 12:40 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings are resumed.

HON. JAMES M. BODDEN: Mr. President, the Members who have opposed this Bill and have raised many points of opposition are quite aware that this Bill is not intended to provide housing for the upper income brackets in the society. They are quite aware of the full intentions of the Bill, and that it is to help the lower income and the middle income brackets. One Member said that this Bill is unconstitutional and could only be suitable under more advanced constitution. If this be so Mr. President, many of the Laws that are on our statute books today are unconstitutional, because they are quite similar in the way they are worded out.

It is the Elected Members of this House who have brought forward the proposals since 1977 that have made us get to the point in our prosperity where we can discuss and debate resolutions such as Resolutions that were made known in this House the last few days. It is funny that if we have all the expertise on the other side that they would lead us to believe

HON. JAMES M. RYAN (CONTINUING): that we did not have these large revenues before.

It appears to me, listening to the opposition, that we as Caymanians are afraid to take responsibilities. In my opinion I give a lot of credit to people from abroad who have helped us, but I feel that no one in this House, or no one outside of this room can have the feelings for the people of this country as the elected people should have. We are of the soil and our forefathers have built what is here today, and it is incumbent on us to carry it on, and I for one am not one bit afraid of shouldering that responsibility. I feel that it is no one better to deal with the problems that confront our society than us who are the Elected Members of this House.

There has been talk mooted of a constitutional change, and if that is to be so, then it should be brought forward. If the time has come when the people of Cayman Brac and Little Cayman cannot work themselves together to work on a common group under the present constitution, then I will say there is one alternative open, and that is the avenue to seek constitutional change.

The constitutional change has not been mooted by any of the Members of the present government, and I will give my blessings to any of them, as far as I am concerned, who wish to take forward a proposal for further constitutional advancement or constitutional change if they think it can better the territory.

The functions of the Public Works Department are not being taken away from them, but rather it is being further advanced. I do not know how it is possible for people to read so many things into a Bill that are not in it. I have to pose a question and wonder why we should restrict the powers of the Bill and its functions. I ask the question why should government not build homes if it is economical. Should government continue as it has done in the past, resulting to house people that we have to bring in from abroad and continue to pay rents of $800.00, $1,000.00 and $1,200.00 a month to house these people. Would it not make good common sense if government would build homes themselves to where the people they have to bring in can be housed?

I put a point forward once before and I lay it in this House today, that probably a very good way to start on that would be to take the present hospital in George Town, equip it for housing, and take the money and build a new hospital.

Do you think it makes sense for government to have to bring in people, as has happened in the past, put them up in a hotel at $100.00 per day? Is that good economics? Is that how you want your money spent? If it is we can do it, but there is an alternative to it, and we are proposing that alternative and I feel that the Members of the House who opposed it, if they do not think the Bill can work they should have come with something to show us other plans that would work better.

Why should government not insure their houses on anything that they can at the cheapest rate that is possible? Why should they go out and go in the market to spend ten or three times what they can do by doing it in the bulk amount? Why should government have to pay a commission to real estate people to dispose of property when government can save this money and do it on its own? We are doing the same thing in many other fields today, why is it under this one that it is pinned out to be chastised? Why should government not have its own management committee rather than contracting with someone else at a higher rate to do it? We have a Management Committee for the Port Authority, we have a Management Committee for the Airport

HON. JAMES M. BONNER (CONTINUING): Authority, and these have been in existence for many years and have worked, why does this make it any difference to put it under this Bill?

One Member raised the point in regards to the funds in certain financial papers not being left in the control of the Financial Secretary that they should come back to the House, that is in regards to this Housing Authority. I have to pose the question at this time, we have trusted this man with the affairs of this country for many years, he has handled many of million of dollars, he is handling a budget of over forty million dollars this year, he is handling reserves might run of over twenty million dollars. Why is it not possible for him to have the expertise to handle this, or is it because the Members of this House would have us believe that government is not capable of doing anything. I feel that government can accomplish a lot, and I am here to play my part as well as the other Members in seeing that most of these things are accomplished.

One Member said that the Legislative Assembly does not have any say in how the corporation affairs or how the money could be controlled. I would like for him to put forward a proposition then as to how much further safeguards can be put into the Law than what has been planned for it.

One Member said that the Financial Secretary should receive the financial papers, and I receive a copy of them. I am not too proud to say that I would agree to that, but let us look at reality, if a Member is in charge of a portfolio, he is in charge of that portfolio, so what difference does it make whether he gets them and I get a copy of them.

Section 23 (1) sets out that the accounts must be kept in a manner satisfactory to the Financial Secretary and that the Member knows that reports of this nature are circulated among all Executive Council Members. If the Financial Secretary gets a report bearing on some aspects of ongoing corporations of government it is then circulated to the other Members of Executive Council. If I get one pertaining to anything under my portfolio it is my duty to also circulate that to the other Members. So we are not trying to inject something that is not here today, only thing that is trying to be done is to try to bring out something that does not exist. This policy has been in existence for a long time.

Someone said that the acquisition of land by government could not happen in a democratic country, but a communist country. This law has been on the statute books, and has been used in several cases before and I imagine it will continue to be used again in the future, but government does not use that Law arbitrarily, anytime that law has been used people have been dealt with it very fairly. So what in the world is all this noise about government acquiring land under this law. Are we only trying to upset the people or what are we trying to do. There are many laws today on the statute books that would do the same thing that this present law will be doing. If our present government which has been in operation for a little over four years is communist or communist inspired or as someone I think has said today "espousing the policies of Moscow" then I pray that God will grant me some more of this, because it is good for the people.

Several Members have said that the "Governor" should be substituted in all places for the "Minister". This is not making a valid point at all, this is only trying to inject into the debate something that is unnecessary. Who better can handle this Bill than those of us who have propounded it and put it forward for the good of the country. This Bill in no way puts government in competition with the private sector, but rather it is aimed at closer cooperation with the private sector. In

HON. JAMES M. BODDEN [CONTINUING]: cannot come here today name of us and be dictated by just the views of two or three people in our community. We must abide by what is good for the majority not what is good for a few people. I will say today that people in Bodden Town district have usually been considered to be environmental and political-minded, but if this Bill was being put before the House today in the first capital of the Island of Bodden Town the views of the people would be much tamer than some I have heard in this district, and I do hope that the first capital of the Island will be duly given the recognition that the next setting of the House will be in Bodden Town.

Maybe it would be correct if Cayman Brac and Little Cayman were left out of this Bill. That has been done by the desire of the Elected Members of these two Islands in the previous Bill, and if that is wanted on this occasion I see no reason why it cannot be done, because one of the main things that will help this Law will be the changes that were made in the Planning Law, and that does not cover the Islands of Cayman Brac and Little Cayman.

Law and Housing, Mr. President, was approached in the 1972 - 1976 period when this government secured a small loan under the Caribbean Development Bank, but the problem with it was it was too little and too late. If I remember correctly under that Bill or that Law the maximum amount that a person could borrow under that mortgage scheme was US$15,000.00, and all of us know what building costs are in the Cayman Islands, and what can a person do in this day and time with US$15,000.00 in regards to building a decent home. If we are going to get the Pivot Gardens type of housing that is how we can mostly accomplish it, and that money that was raised was not put into the Government Savings Bank to be operated on a economical scheme to where the people of the country could have gotten advantage of the low interest that it was being loaned at, but it was placed at Cayman National Bank where the chief manager is the Chairman.

MR. BENSON O. EBANKS: A point of order, Mr. President,.....

HON. JAMES M. BODDEN: That is not a point of order, Mr. President, because I know what he going to say .....

MR. PRESIDENT: Sorry, the Member must state his point.

MR. BENSON O. EBANKS: The Member should refrain from imputing improper motives to other Members.

HON. JAMES M. BODDEN: Mr. President, there was a lot of imputations that went on in this Chamber, I am not imputing anything, I am giving facts that can be borne out. The Caribbean Development Bank's scheme is being handled in Grand Cayman by Cayman National Bank and that is the Chairman of Cayman National Bank. It is a fact not an imputation.

MR. PRESIDENT: I do not think it helps to knock on the private activities of Members.

HON. JAMES M. BODDEN: I am only saying, Sir, that the scheme was started, but where it wound up. I am bringing this out to prove a point to this House, Mr. President, that the US$15,000.00 housing mortgage that was negotiated could have been put to better advantage if it had been put through government system, where you did not have to pay a high interest rate in order to be able to manage that, and this is why I think we are getting an opposition today is because at the time that they had the opportunity and that some money was available they did not take the steps to protect the people of this country by putting through a housing scheme like this, and that is why I am against it coming. It is not coming on the merits or demerits of the Bill at all.

One Member raised a point about constitution of the Boards of Directors [illegible] of the Elected Members when that point was made [illegible] the constitution of these Boards, but I served in the House from 1972 to 1976 and I know of the constitution of the Boards of

HON. JAMES M. HUDSON (CONTINUING): government during that time, and there was not one person in the Cayman Islands who supported the ideology of the present group in government that was ever on one of those Boards. Anyone who had any political leanings towards this group was not on the Board. So what is the difference with the constitution of the present Boards, when the same policy is being adopted by us that was set by them? It went even further than that, people of political leanings to our side were in many time victimised for months and months before approval could be given - we have not taken that system.

I can also understand one of the other reasons that a certain Member had taken the stand on this Bill that he has, because during the administration 1972 to 1976 of which he was a part there was really no money for government to invest in a scheme of this sort, whether it was Cayman Islands dollars or United States dollars, because there was none available. That was one period in the history of these Islands when the Banks were allowed to run rampant and deplete the source of money supply which existed in the Islands. During that time money was converted by the Banks paying the exchange rates and the territory was nearly depleted from money, and it was all on deposit in New York approximately twenty eight million Cayman Islands dollars that could have helped to move this country forward in 1973 and 1976 and yet the one Member who is speaking in opposition to this was partial in control of the government during that time and nothing was done to alleviate this condition for the people of the country.

I see no difference in the philosophy that if we can acquire land for a park, or a dock, or something of that nature that if it ever came to the point in our existence where it was needed for housing that government should not be able to acquire it in a similar manner so long as they pay the going price for it, or is it that that is just the general regard that is held for our people.

The Member I think in his debate boasted of the building of the Port and many other buildings of government. Yes, quite a bit was done and they are nice buildings, and I feel happy that this country can boast of having them, but, Mr. President, anybody can build if you do not have to pay for it, and payment on all these buildings and all this work that we have heard about is set down in the 1981 budget as to when the payments commenced on it. Let us take the Exchequer loan 1967 for airport rehabilitation and airport extension, the payments on that mostly have been met since this administration has taken over. Barclays Bank loan to build the Bodden Town, East End, North Side roads, again most of the payments of it commenced during this administration. The local consortium loan of three and a half million dollars to finance the Administration Building and the road programme has commenced since this administration took over. You built us a nice Administration Building, but you did not pay for it. Port loan, $2,680,000.00, since it was built in 1972-1976 administration, but the payments only commenced after the beginning of 1977. The Broadcasting Station loan and there are so many of them, it would take me all evening to read them out. Sure you built this building and I do not belittle you for it, but you did not pay for them, you left that burden on somebody else's shoulder.

Government as defined in this Law as it is in many other similar Laws means the Governor in Council, and as such whenever the Member may be in a part of that body, and the Member who brought that up is quite cognizant of the operations of Executive Council with the collective responsibility.

Someone in his speech said about gifts and so forth, and political patronage. This administration does not have to rely on gifts to create political patronage. I think that this administration has proven its worth to the people since 1977. If it had not been so the confidence would not have been reposed on us to elect us back to the House, and it is funny that if so much had been done in all the ages passed that the first time in the existence of this country that you ever had roughly $20M in reserve is now, and I wonder if you think you got that by just falling out of heaven like manna.

Section 20 of the Bill in regards to defaults again has been wrongly interpreted and twisted. This would not apply to any particular individual in the case that he did not pay. This

HON. JAMES M. BOLDEN (CONTINUING): would only apply in the overall concept of the Bill. Section 21:- much was said about this section, Mr. President, in regards to it being in the hands of an Elected Member. By saying this we only belittle ourselves whether I occupy the portfolio or who occupies it. It displays our lack of faith in our country, and our lack of faith in us as individuals. With existing attitudes like this it is no wonder that when that Member who spoke along these lines was in Executive Council that the country suffered so much. I say, Mr. President, who better can deal again once more with the problems of this country than the people who are elected under our Electoral Law to represent the people and to see that we carry out the wishes of the people.

Now I get to a point which I am sure will raise some Member to his feet. Mr. President, I have enough business knowledge to know that one bank in Cayman or any country, cannot tackle our problem. That is why we have proposed a Bill of this sort which would have broad implications. Since taking the reins of this administration the four of us Elected Members in 1972, we have constantly had meetings with the banks in this country in an attempt to get them to come together and create some mortgage scheme among themselves that would help our people. We have begged with them, we have pleaded with them, we have put plans before them, all, Mr. President, to no avail. We have told them "you sink get together, each of you put up $50,000.00 maybe into a fund." You get together you appoint one of your own to manage it, but the main thing make the money available and give it at a lower rate of interest so our people can live in decent homes". They have ignored every time this has been brought to them, and this morning the Member who has spoken so highly against this in opposition has told me that his bank today in George Town is having a meeting with the other banks trying to prevent this Bill here to put money together for a Housing Authority.

MR. BENSON O. EBANKS: Mr. President, the Member is really abusing his privilege. I was stopped this morning when I attempted to raise an issue that was very pertinent to the Bill.

HON. JAMES M. BODDEN: Mr. President, this is the most pertinent part of this Bill, because it deals with what makes it work, money. And if the bank after all of these years, that we have pleaded with them, why have they not come forward with a plan. Why would they wait until the day that the Bill is being presented to the House and come up with a plan, then with some kind of mortgage scheme. Because where are we going to get the money from if we are not able to work a programme out with the banks and they prevent us on it?

MR. BENSON O. EBANKS: On a point of order again, Mr. President, the Member is well aware that this was in motion before today.

HON. JAMES M. BODDEN: Mr. President, it is not a point of order, and you noticed I did not give way to my seat.

MR. PRESIDENT: I agree, I do not think there is a point of order here.

HON. JAMES M. BODDEN: Mr. President, I said at the beginning of my speech that I would have to drift, because there were many points of drifting that took place in the debate and points of drift that took place outside of the debate.

MR. BENSON O. EBANKS: Tell us about the McGregor land.

HON. JAMES M. BODDEN: Listen the next time you do that, I will ask the Sergeant-at-Arms to have you removed.

MR. BENSON O. EBANKS: You do not have the power.

HON. JAMES M. BODDEN: The President can if you get .....

MR. PRESIDENT: Remarks please be addressed to the Chair. The standard of debate is deteriorating rapidly, I deplore it.

HON. JAMES M. DODDS: Mr. President, I left this representative alone to make his speech this morning, and he drifted very far from it. I am not drifting in my speech today, I am dealing with the salient points of the law as put forward by this Bill, and the things that would make it work. I cannot help if he happens to be the man that is Chairman of the particular bank I am speaking about.

Section 24, much again was said about this. I can only tell you that we have done everything we can in every respect to push this country forward, and if the Member or any other Member is prepared to play second fiddle on the bow string, I am not.

Section 26, calls for the Member to lay the accounts on the Table of the Legislative Assembly where they become public property. Now, Mr. President, much has been said and alluded to about the accounts and where they come from, and who puts them together and so forth and so on, but all of us know the meaning of tabling something in the House, and if they are tabled in the House, they then become public property and they can become subject to debate at a later duration.

Section 28 (2). If that was enacted as the Member who spoke this morning put it forward, it would mean, Mr. President, that even simple repairs on a house before it could be authorised to be done the Member would have to first move the Hon of Executive Council to bring this motion to Executive Council to get approval to put hinges on a door. That is how ridiculous the argument has been that has put forward in this Chamber this morning. Certain things cannot be done if you shackle it down to every move with Executive Council. Whoever the Member may be he is still responsible to Executive Council. It could never be expected, Mr. President, that this Bill would work under some of the proposals that have been put to the House this morning.

It was also spoken about the custom duties. Well, Mr. President, that is nothing new. If government imports material into the country today to my knowledge they do not pay import duty on a truck, car, building material, or anything else they could bring in. If this is going to be a statutory body of government why should it be any different, and you would say that they had to pay it in this case. What would be the sense in it to create more bureaucracy.

Mr. President, in summing up, I will state that there have been very little arguments that have had substance that have been put forward by the opposing side on this Bill, and I recommend this Bill to the House. I seek the Members support, and there is only one amendment that I see necessary and that is the one dealing with the quorum. I thank you, Mr. President, and I hope it will be enacted.

MR. PRESIDENT: The question is that the Bill entitled "The Housing Development Corporation Bill, 1981" be read a second time.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

MOTION FOR REFERRAL TO SELECT COMMITTEE

MR. HANSON O. EBANKS: Mr. President, I beg to move that the Bill before us entitled"A Bill for a Law to provide for the establishment of a Housing Development Corporation for promoting the development of housing and for matters connected therewith, and incidental thereto", be put to a select committee of all the elected members of this House to be studied, amended where deemed necessary and reported to the next sitting of this House.

SECONDED BY: MR. NORMAN W. DODDEN.

MR. PRESIDENT: It has been properly moved under Standing Order 49 (1), that the Bill before us "The Housing Development Corporation Bill, 1981" stand referred to a select committee of the whole House.

HON. NORMAN K. MOREN: Mmm ..... Sonny, would you just repeat that again?

MR. PRESIDENT: It has been properly moved under Standing Order 60 (1), that the Bill stand referred to a select committee. This may be moved by any Member immediately after the second reading.

HON. NORMAN K. MOREN: Sir, on a point of clarification, are you saying that it goes into a select committee, or are you going to now put this for a vote? I am just trying to get clear on it.

MR. PRESIDENT: The question will be put, it may be debated and a vote will be taken on it, but Standing Order 60 (1) allows the alternative, either consideration by a Committee of the House on the floor or referral to a select committee. So the question is that the Bill stand referred to a select committee. The motion is open for debate.

MR. BENSON C. HANANI: Mr. President, the motion before the House is simply a request that the Bill be sent to a select committee of all the Elected Members. The reason for the motion is as stated this morning, I think that we need time to study the Bill and it would give Members an opportunity to discuss the Bill with constituents and be in a better position to proceed the Bill to meet the purpose for which the Law is being sought, and I would hope that Honourable Members of this House would support this motion, Mr. President.

MISS LEMIE H. HOWARD: Mr. President, Sir, I feel that this is a very important Bill, and I must agree that in Grand Cayman we do need some consideration to be given to the poorer class, if you want to call them so, to try to get proper shelters over their heads. I will agree, Sir, that this is an important Bill, in that respect, and I feel that going to a select committee we can thresh out all the ins and wherefores of this Bill and come to a sensible understanding.

Mr. President, what really annoys me in this contempt in this House for the people who sit on this side. After all if we are going to do any good for the country we must unite, because as Abraham Lincoln I think once said "if we do not hang together, we are going to be hung one by one", and unity is the thing that will get us somewhere.

Mr. President, as I recall history, Rome fell from within, and we are going to fall from within in spite of the Bills or from if we do not have more respect for each other. After all we on this side, we are nothing to be ignored. We were elected to this Assembly in the same manner and at least that others, and I think, Mr. President, it is our duty to stand up for what we believe is right, and I feel, Sir, that this Bill is important. I campaigned that I would try my best to get a housing scheme for the lower income bracket people. Even the poor people who could not afford a house, but I do not think we need such a comprehensive Bill involving so many details. Let us go about starting it simple .....

MR. PRESIDENT: I think with respect the Honourable Member should direct her comments to the simple question of whether the House resolves into committee or a select committee.

MISS ANNIE E. BODDEN: Well, we can accomplish much more in a select committee by taking time to study this Bill, and I would heartily endorse, Sir, that we as full Members, responsible people allow this to happen, and that it goes to a select committee where we can deal with it. There is not such a great haste to have it done over-night, and I feel, Sir, this is a reasonable purpose. Thank you, Sir.

MR. NORMAN BODDEN: Mr. President, I have listened for almost two days on the debate on this Bill, and some of the questions that I had in my mind in the beginning I agree have been clarified, but I am still not satisfied with certain sections of this Bill and I too would prefer to take this to my constituents for their opinion, and I think sending this Bill to a select committee will serve that purpose.

CAPT. C.A. KIRKCONNELL: Mr. President, I would like to endorse this view as well. I would like to have some time to discuss with my constituents the Bill and to sit down in a select committee after I have got the views of my constituents, and discuss and thrash out this Bill in an intelligent manner without one party trying to pull something over the other. This is not my purpose, Sir. I want to see a Bill, but I want to see a Bill that is fair, a Bill that is reasonable, a Bill that this country can afford, and a Bill that the people will reap the benefit of. I thank you, Sir.

HON. C. HAIG BODDEN: Mr. President, I am against this Bill going to a select committee. It is not the type of Bill that is normally sent to a select committee. No Member so far has raised any of the pertinent questions

HON. G. HAIG BODDEN (CONTINUING): that a select committee would be able to deal with and which this House could not deal with.

A select committee has the power to call for witnesses, persons, papers, records, and no Member has indicated that there is any need to call in outside expertise to help with the further understanding of this Bill. A Bill is normally sent to a select committee when it is of a highly technical nature; like say, The Traffic Law in which the Superintendent of Traffic might be called in to advise on the blood and urine tests for alcohol or for the complicated radar systems and no Member has raised any point at all that would require any technical expertise for the better managing of this Bill.

Furthermore, the only reason for which a Bill could be sent to a select committee would be if it raised a controversial, moral issue or some other issue that would have universal application. So this Bill should not go to a select committee, it should be dealt with by a committee of this House during this sitting. It is true that if it goes to a select committee the passage of the Bill will be delayed, because the select committee, if it completes its sittings, would not be able to report back to the House until the next sitting which will probably be in September or October. So sending it to a select committee would slow down the process of the legislation and at the same time not give any help in the solving of the problems which are needed.

It appeared to me from the debate on this Bill that the Members of the House had all the expertise needed to deal with the Bill, which simply sets up a Housing Authority. If Members argue that they need more time to study the Bill, I cannot see this as the reason, because by their own admission they received the white copies of this Bill many days or weeks before leaving Grand Cayman to come here, and there have been many hours, many long nights here with not too much social activities running into the late hours and there has been sufficient time, and from the lengthy and very explicit debate that went on on this Bill, it is quite clear that the Bill has been over studied to a great degree, and so it cannot be put up as an argument that the Members need more time to study it, and they cannot say that they have to contact their constituents, because one Member himself read letters, or attempted to read excerpts from letters which had come from his constituents. So their arguments that they need time to study and that they need time to converse with the public, both arguments fall away. And the other reason for going to a select committee is simply so that the committee can call in people who would normally not be called into a formal sitting of the Legislative Assembly. And the final reason that could be either because the Bill is of a moral and highly technical nature, and I would hope that the House will deal with this Bill and finish with it. And I know, Sir, that you as President, have always been fair, and as Chairman of the committee you will give each Member all the time in the world that he needs to discuss any point or to put forward any amendments that he or she may want.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I have sat here for the last two days and heard this deliberation. I myself being a newly Elected Member of this House, having been Elected as an Independent, I do not know exactly where I fit in, if I do. But the thing to me that is most important in a Housing Bill is money. The Honourable Member who moved this Bill has not satisfied me that money is available or where it will be coming from. Therefore, Mr. President, there are many other things that I am not satisfied with, and I am not here because I was in a previous government and have axe to grind, again I say I came as an Independent to represent the people of the Third Electoral District, and it is my intention to do that as long as I remain in this House. So, Sir, I would ask that all consideration be given by the Honourable Members that this be taken to a select committee where questions of all Members can be understood and answered for the betterment of the people of the Cayman Islands. Thank you.

HON. TRUMAN M. BODDEN: Mr. President, this Bill has followed the Standing Orders made by a majority of this House in 1976, the time requirements

HON. THOMAS M. BODDEN (CONTINUING): laid down by those Standing Orders are being complied with and, Mr. President, at this stage there is no provision in these Standing Orders to give further time to go constituents. If the main objective was to go to constituents and that is the reason for delaying this Bill then, Mr. President, it is clearly not a reason within these Standing Orders. There was sufficient time there and .....

MR. PRESIDENT: A point of order. I must correct the Honourable Member, Standing Order 42 (1) clearly allows a Bill, after second reading, to be referred, either to a select committee or to be committed to a committee of the Whole House.

HON. THOMAS M. BODDEN: I submit to your ruling. I am not saying there is not power, what I am really saying, Sir, it appears to me that if the reason for it is to delay the Bill rather than for something which should be done in the select committee, but something to be done ourselves to the select committee, then I do not see any justification in these, but I naturally submit to your ruling.

Secondly, Sir, the select committee takes the Bill away from the public and it puts it behind closed doors unless the committee naturally decides to publish it. Now this Bill has actually been dealt with in the debate again literally clause by clause, and if there is any confusion that Members have will not have a right to say what they wish on the Bill on each clause to be dealt with, then I think that they must know better than that. They will be given a right to say what they wish and they will be able to say it in public. Anything that is so important as this, and as they seem then I feel it should be dealt with publicly. You have something to say let us say it here in the open committee. The only thing you cannot achieve is as the Honourable Member mentioned earlier is that certain powers which are in Standing Orders 70 and 71 which give powers to send for persons, papers, records, that sort of thing, may not be available. But in any event, Sir, nobody has raised this issue.

The other aspect, Sir, is that this will cost considerable delays and I personally feel that we should deal with it now, that the Bill itself has been amply debated, the merits, in fact such clauses, as I mentioned earlier, has been debated and whatever any Member of this House has to say, let them say it in the committee of the Whole House publicly, and I am against putting this Bill behind closed doors into a select committee of the House. So I would ask Members to look at it from that point of view to give the public the right to hear the debate and to deal with this at this sitting of the House. Thank you.

HON. JAMES M. BODDEN: Mr. President, in my opinion there is no reason for this to be held up any longer. One Member spoke about the raising of money, we will not be able to raise money or anything else if we do not have a Bill or Law under which we can operate, and the Members have had the Bill in a long enough time to study it. Apparently as my learned colleague said, they have even studied it and I am against it going behind closed doors into a committee. I say deal with it where the constituents might have can hear whatever arguments have to be put down to it, Sir, and I hope that is the way it will be dealt with.

MR. PRESIDENT: Are there any other speakers? Would the Honourable Mover wish to comment?

MR. BENSON O. BANKS: Mr. President, I would just like to thank those Members who supported the motion and to say that those Members who opposed the motion have not put forward any valid reasons why this Bill should not go to a select committee. As for the time Members had this Bill, I can assure you I received a telephone call asking me to come to the Legislative Assembly, that is Friday gone a week to collect it in order that I may have it in the prescribed time, because Monday was a holiday and if it was not picked up on Friday afternoon I would not have it within the prescribed time. So it shows that the Clerk was only given the Bill just

MR. BENSON O. EBANKS (CONTINUING): in time to cover the Standing Orders. As for the time that was allowed to study; Mr. President, it would seem to me that those on this side did in some instances, a better job than did the Members of Government. They did not for example detect that one subsection was left out of the green copy.

The Honourable Member that had the most to say about why this should not go to a select committee, and that we had ever studied it did not even realize that the quorum section was wrong.

HON. TRUMAN M. BODDEN: Mr. President, on a point of order he can speak on the motion, but he cannot go back into the substance of that Bill. I mean I let him go the first time on it, but he is now the second time, and I will ask him not to do it the third.

MR. BENSON O. EBANKS: You direct your remarks to the Chair, not to me.

HON. TRUMAN M. BODDEN: I did, Mr. President, that is why I began it by saying, Mr. President.

MR. BENSON O. EBANKS: Mr. President, as you quite rightly said as (1) permits this House to send any Bill to a select committee. The issues raised are irrelevant. There is nothing in section 70 which says that it has to be a Bill of a controversial or moral nature. The select committee does not have to send for persons and papers if it does not want to, but it may and I would suggest that it appears that we need to. Placing the Bill to a select committee does not remove it from the public forum, the deliberations of the committee are in camera, but the Bill is out for everyone to see, and once confidence of what is going on in the committee is not broken Members are free to discuss the Bill at anytime with anyone.

No Member has proven that sending this Bill to a select committee will cause any delay or hardship or difficulty, that the delay that would be caused by sending this to a select committee would cause any difficulty or hardship on anyone or on this House. Government Members know that they have moved that the Lady Member's private motion in this very sitting be sent to a select committee of this House, so why not this one, her's is not controversial.

Mr. President, again I thank those Members who have supported it, and what the vote comes I beg Members to give serious consideration and support this motion.

MR. PRESIDENT: The question is that the Bill intituled "The Housing Development Corporation Bill, 1981" be referred to a select committee of the Whole House.

"AYES" AND "NOES". THE "NOES" HAVE IT.

MR. BENSON O. EBANKS: Mr. President, could we have a division on that, Sir.

DIVISION

| AYES | NOES |
|---|---|
| Mr. Benson O. Ebanks | Hon. D. K. Kanuisk |
| Mr. Norman W. Bodden | Hon. V. O. Johnson |
| Miss Annie E. Bodden | Hon. John D. McLean |
| Capt. Charles L. Kirkconnell | Hon. Truman M. Bodden |
| Capt. Mabry S. Kirkconnell | Hon. James M. Bodden |
| | Hon. G. Haig Bodden |
| | Mr. Thomas J. Smith |
| | Mr. Dalmain D. Ebanks |

MOTION DEFEATED - BILL COMMITTED TO A COMMITTEE OF THE WHOLE HOUSE.

MR. PRESIDENT: The result of the division for 6 votes, against 6 votes. The motion is accordingly defeated, and under the same Standing Orders 49 (1) the Bill stands committed to a committee of the whole House in the normal way. I take the opportunity to suspend proceedings for fifteen minutes.

HOUSE SUSPENDED

## THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1961

### FIRST READING

CLERK: "The Patents and Trade Marks (Amendment) Bill, 1961"

### WITHDRAWAL OF BILL (STANDING ORDER 50)

HON. V. G. JOHNSON: Mr. President, the Bill to amend The Patents and Trade Marks Law is next on the agenda, and I observe that because Members were not given the seven clear days that are required under Standing Orders 48 (1), I would have to ask for the suspension of that Standing Order, that if the Bill was to receive its third reading today I would also have to suspend Standing Order 47. Since it is not a matter of priority I would propose making a motion under Standing Order 50 to withdraw the Bill at this stage.

MR. PRESIDENT: The question is that "The Patents and Trade Marks (Amendment) Bill, 1961" be withdrawn and brought forward to a Later meeting.

QUESTION PUT: AGREED. BILL WITHDRAWN.

### HOUSE IN COMMITTEE

MR. PRESIDENT: The Assembly will now resolve into Committee. The Assembly is in Committee. We deal first with "The Imprisonment (Amendment) Law, 1961".

### THE IMPRISONMENT (AMENDMENT) BILL, 1961

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT TO SECTION 1.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT TO LAW 14 of 1975.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. AMENDMENT TO PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. AMENDMENT TO SECTION 3.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. REPEAL OF SECTION 4.

QUESTION PUT. AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. AMENDMENT TO SECTION 7.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. INSERTION OF NEW SECTION 7A.

QUESTION PUT- AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. AMENDMENT TO SECTION 9.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. AMENDMENT TO SECTION 11.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. INSERTION OF NEW SECTIONS 11A & 11B.

MISS ARLIE D. DUDLEY: Mr. Chairman, this part ending here: "No person under the age of seventeen years shall be detained in a prison." Now, Mr. President, I am wonder what will happen, because in the juvenile court on more than one occasion these fifteen, eighteen, and seventeen year olds have to be detained sometimes for a couple of weeks, because their behaviour was so bad they were afraid that they could not be set at large. Now I am wondering, Sir, what would happen if this case came before the Juvenile Court again, (and I hope not), but there is a possibility, and it says here no person under the age of seventeen shall be detained in a prison. That is something that has given me some concern, Sir.

MR. BENSON EBANKS: Subject to the Juvenile Law.

HON. D. P. DAVIES: The exceptions referred to in sub-sections (1) and (2) of section 11 of the Juveniles Law, Sir, which is referred to, are those exceptions which are spelt out in the case of young persons, (and I do not use the word in the sense in which it is used in the Juveniles Law) that is to say people under the age of 17 and over the age of 14 and it is possible for a court in imposing sentence in any indictable offence to order that the person between the two ages that I have mentioned, can be sentenced to be imprisoned in any suitable place including a prison, detained a prison under these laws, but I make mention of a fact that was made in debate that this government has the business of the provision of a remand and certainly home suitable for the detention of young women among its priorities.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. AMENDMENT TO SECTION 12.

MR. BENSON O. EBANKS: Mr. President, sub-section (c) deleting "prescribed" meaning "prescribed prison," I would like to be enlightened why "prescribed" has been taken out, or is being taken out.

HON. D. P. DAVIES: It is purely a cosmetic improvement, Sir. "Prison" mean "prescribed place", so to talk about a prescribed prison is a tautology, a redundancy.

MR. BENSON EBANKS: Would this also then cover a prison in Jamaica? Is not the Jamaican prison a prescribed prison?

HON. D. P. DAVIES: The answer to that is that the regime in Jamaica is controlled by the Jamaican Prison Laws and as this deals with the circumstances in which prisoners are to be confined, when they are in Jamaica they are confined in accordance with the Jamaican Laws.

MR. BENSON O. EVANS: And as I understand it, this merely says "where a prisoner may be confined" and I am wondering if "prescribed" is taken out that you can still send a prisoner to Jamaica.

HON. E. D. BARNICK: The deletion of the word makes no difference to the meaning of the phrase. It could have been written "prisoners may be confined in any prison" when the law was first passed and it would have had exactly the same meaning as it has now. This is not a change in any substance of the law at all - it is just merely a change in the wording because a prison cannot be a prison until it is prescribed.

MR. BENSON O. EVANS: Pardon?

HON. E. D. BARNICK: A prison cannot be a prison until it is prescribed as such. Now the section that we are looking at, section 71 in the original law, relates to the regime of confinement in prisons, so that when they are in Jamaican prisons that regime is governed by the Jamaican laws and whatever the provisions there about segregation and detainment of persons would govern that situation in that place.

I do not think the Member looks entirely convinced. So is wondering whether by deleting this word, as I understand him, Sir, we are going to in any way interfere with the lawfulness of the detention of prisoners in Jamaica. That is governed by its own particular provision in the law itself. The word "prescribed" - I talked perhaps at too great a length when the question was first raised, but the word "prescribed" is redundant, tautological, and the removal of it makes absolutely no difference to the meaning of the section anyway - as if there has been a defect, it has always been a defect.

MR. CHAIRMAN: If there is no further debate, I will put the question.

Mr. BENSON O. EVANS: I wonder if it would be out of order to ask the Member to refer to the section dealing with sending prisoners to Jamaica to enlighten me on his submission on that.

HON. E. D. BARNICK: The section that I am referring to is section 71 of the principal law. It says, I will not read right from the beginning, but it says that the prisoners received into such prison and taken or until he be otherwise directed by the Governor General (now that is the Governor General of Jamaica), the prisoner is treated in all respects as if he had received his sentence in Jamaica, so that the prison regime which the convicted prisoner is subject to while he is in Jamaica, is the Jamaican regime in all respects as though he had been convicted by Jamaican Courts.

MR. BENSON O. EVANS: I think you lost the import on the purpose of my question, but having looked at section 71 of the principal law I am satisfied.

HON. TRUMAN M. BODDEN: Mr. Chairman, if I may just perhaps clear that point. The word.....

MR. BENSON O. EVANS: I am clear on the point now having.....

HON. TRUMAN M. BODDEN: Oh, well I wondered why you asked the question then.

MR. HONOUR O. EBANKS: I said I understood it after I read section 13.

MR. CHAIRMAN: Is there any further debate on this Clause? I will put the question.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

CLERK: CLAUSE 14. SUBSTITUTION OF SECTION 14.

MR. CHAIRMAN: The question is that Clause 14 do stand part of the Bill. If there is no debate, I will put the question.

MR. DENZIL O. EBANKS: Just a moment, Sir. Thank you, Sir.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: CLAUSE 14. AMENDMENT TO SECTION 15.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: CLAUSE 15. INSERTION OF NEW SECTION 15(A).

QUESTION PUT: AGREED. CLAUSE 15 PASSED.

CLERK: CLAUSE 16. AMENDMENT TO SECTION 18.

MR. CHAIRMAN: The question is that Clause 16 do stand part of the Bill.

MR. DENZIL O. EBANKS: Mr. Chairman, I have a question on that, but I need a little time to find what I am talking about.

MR. CHAIRMAN: Is there any debate? If not I will put the question.

QUESTION PUT: AGREED. CLAUSE 16 PASSED.

CLERK: CLAUSE 17. REPEAL OF SECTION 26.

QUESTION PUT: AGREED. CLAUSE 17 PASSED.

CLERK: CLAUSE 18. SUBSTITUTION OF SECTION 27.

MR. CHAIRMAN: The question is that Clause 18 do stand part of the Bill.

MR. DENZIL O. EBANKS: Mr. Chairman, I am wondering if we could be enlightened on what is meant by having "an exemption into prison, take a bath and (of male) have his hair cut". Is this intended to be prescribed in some particular manner or does it mean to shave his head or prescribe you know like some special style?

HON. D. D. PATRICK: I feel sure the matter would be governed by standing orders and prison regulations. The normal provision would be that the man's hair would be cut in an acceptable and normal way that his head would not be shaved.

MR. DENZIL O. EBANKS: So, could I be enlightened as to the purpose of this amendment in the old law where it said "hair cut in the style prescribed". If it is the intention to put it into regulations, why take out "style prescribed" and leave it

MR. BENSON O. BRANDS (CONTINUING): blank by saying have his hair cut?

HON. D. F. HANWICK: I think it is the intention of the Director to take some of these matters into the prison's standing orders rather than have them governed by regulations made under the Law itself.

MR. BENSON O. BRANDS: So this is really a delegation of functions to the Director of Prisons.

HON. D. F. HANWICK: Yes, but the Director's standing orders have to be approved by the Governor in Council as to regulations.

QUESTION PUT: AGREED. CLAUSE 16 PASSED.

MOVE OF INTERVENTION

MR. CHAIRMAN: That is as far as we can take the Committee proceedings today. It is now 4:40 and we will have to adjourn the proceedings until .....

HON. JAMES M. DOUGLAS: Mr. Chairman, would we make a motion to continue on to at least 5:00 o'clock, Sir?

If it is not out of order I would like to move that we continue until about 5:30. I am trying to get something worked out - or until 5:30 then.

MR. CHAIRMAN: I think this may be a bit tough on the Clerk's office. There is an indication for 6:00 o'clock. Could we make it 5:00 o'clock which gives an another half an hour? It means the technical suspension of Standing Order 10.

HON. D. F. HANWICK: Yesterday, Sir, I had the advantage of some consultation about this matter. A similar opportunity did not offer itself today, but if it is the general will of the House I will make a similar motion to that I moved last evening, that under Standing Order XX, I would move that Standing Order 10 be suspended to allow the debate to continue for a further thirty minutes period that is until 5:00 o'clock this evening.

MR. CHAIRMAN: We should be really taking this motion in the full House, not in Committee, but it has been moved under Standing Order 10 (8) that the time be extended to allow us to continue for another half an hour. If that is the will of the House, I take it the motion has been approved.

APPROVED - House to continue until 5 PM.

CLERK: CLAUSE 19. INSERTION OF NEW SECTION 27A.

QUESTION PUT: AGREED. CLAUSE 19 PASSED.

CLERK: CLAUSE 20. SUBSTITUTION OF SECTION 28.

MR. CHAIRMAN: The question is that Clause 20 do stand part of the Bill.

MR. BENSON O. BRANDS: Mr. Chairman, this is the section that brought some controversy in the second reading stage of this Bill. It was apparent that there was a lot of misunderstanding as to what was

MR. BENSON O. EDANKE (CONTINUING): meant by "week-end prisoners" under this section "and week-end leave" given under section 20.

HON. D. R. BARWICK: I think, Sir, the Honourable Third Elected Member for West Nyz should be addressing his pramnt remarks to another section or another Clause when we come to it. I heard what he said during the course of the debate on the Second Reading. This is to fix a release date for a prisoner and if there is a holiday week-end, he gets out on the day before the holiday begins. That is the effect of this and it is not about week-end imprisonment or extra moral imprisonment or anything.

MR. BENSON O. EDANKE: I am aware of that, Sir, but you are by this amendment substituting section 20 which means that is going out the window. So I think I have the right to raise the point.

HON. D. R. BARWICK: I see what he means, Sir.

MR. BENSON O. EDANKE: As I was saying during the Second Reading of the Bill there seemed to have been some confusion and that is still appearing to be as to what a week-end convict or a week-end prisoner really meant. And I for one, have no objection or would like to see some provision left in the law for the week-end prisoner, whether it be under your regulations or however, because to me we have different classes of prisoners and I see we have whatever is a person who has really, in some instances, been found in breach of the law through no intention to do so, serving his sentence in the fashion provided by week-end prisoners - that is in a total of week-ends. In many instances it would serve to prevent hardship on the family, it would serve to preserve discipline in the home, and to keep the family together. And I am not sure that the misunderstanding which existed on this clause is not resulting in this provision being left in the Law. I appreciate that the suspended sentence part of it and so on is covered under another section in the new Bill, and it is done in another form. But this particular provision of a weekend prisoner is not presumed by the amendment.

HON. D. R. BARWICK: What the Honourable Member says, Sir, is perfectly correct. After the debate I took further instruction from the Member whose Bill this would have been had he been here today, and he said that the ending of this category of prisoner was a deliberate and purposeful act, that it had been found not to work well in practice and that it was being deleted on the recommendation of the professional adviser that I mentioned during my closing remarks during the Second Reading debate. The Honourable Member's observations will be carried, Sir, to the Honourable First Official Member and if in fact further study shows that this is a valuable form of incarceration that would be included in the Bill which will be brought down later in the year.

MR. BENSON O. EDANKE: I accept that assurance, Sir.

QUESTION PUT: AGREED. CLAUSE 20 PASSED.

CLERK: CLAUSE 21. SUBSTITUTION OF SECTION 20.

MR. CHAIRMAN: The question is that Clause 21 do stand part of the Bill.

MR. BENSON O. EDANKE: Mr. President, I have similar feelings with regard to this Clause and I would request that the

MR. BENSON O. EDWARDS: submissions which I made in respect of Clause 22 be conveyed in respect of this section. In this 31 we are dealing with Mr. Chairman?

MR. CHAIRMAN: Yes.

MR. BENSON O. EDWARDS: That is not the section that I want to refer. It is section 30.

QUESTION PUT: AGREED. CLAUSE 21 PASSED.

CLERK: CLAUSE 22. SUBSTITUTION OF SECTION 30.

MR. CHAIRMAN: The question is that Clause 22 do stand part of the Bill.

HON. D. R. DARWICK: There is a spelling mistake here, in the first sentence of the new proposed section 30, the word "power" should have of course read "power".

MR. CHAIRMAN: That correction can be made at the Table.

HON. D. R. DARWICK: I think that would be properly made at the Table, Sir.

QUESTION PUT:

MR. BENSON O. EDWARDS: While in the section I would like.....

HON. D. R. DARWICK: I will give the same assurance about the section being deleted by this section.

QUESTION PUT: AGREED. CLAUSE 22 PASSED.

CLERK: CLAUSE 23. SUBSTITUTION OF SECTION 31.

MR. CHAIRMAN: The question is that Clause 23 do stand part of the Bill.

MR. BENSON O. EDWARDS: Mr. Chairman, this deals with the payment for work or work and payment, and while I appreciate that the method prescribing the wage to be paid under the section 21 as it now stands in the Bill might have been cumbersome, nevertheless it was certain and fixed, and much debate ensued on this in the Second Reading, but I notice that in the proposed new section it is proposed to leave the power with the Director to establish the rate of token earnings to be paid to a prisoner. Now it is obvious that the intention is not to pay full wages, but only a token wage and I am wondering the benefit or if it would not have been said "prescribed wage" or make it certain. A token wage might be fifty cents for the week.

HON. D. R. DARWICK: Well I have not taken instructions on this particular point. I do not feel strongly about it and perhaps the Honourable Member has a point with some value. Would it meet the occasion if I were to suggest that we amend sub section (3) to include some such phrase as "with the approval of the Governor" or some phrase like that to make sure that there was a rate which was a sensible one and which applied equally to all prisoners.

MR. BENSON O. EBANKS: I do think you have indicated earlier that rules or whatever for prisoners are to be approved by the Governor if it was tied into that I would have no objection.

HON. D. HAIG BODDEN: Mr. Chairman, in the two Bills there are two different classes of workers, in the old bill, the prisoner could be hired out to a private person, and this was when the 7/8ths of the regular pay would be paid to the prisoner and 50 percent of that would go to the prisoner and the other 50 percent to government, but the amending Bill has done away with hiring the prisoner out to private industry and then when pay is only something for work with government and not with the private.

MR. BENSON O. EBANKS: Mr. Chairman, I beg to disagree with that interpretation, it says "where the prisoner performs work for any government department or with the approval of the Governor for any private person." So when a prisoner cleans the road-side he is working for the Public Work Department.

HON. D. HAIG BODDEN: Mr. Chairman, he must be reading that from the old bill.

MR. BENSON O. EBANKS. Exactly.

HON. D. HAIG BODDEN: Well, the amending Bill has changed that, and the amending Bill says "that the prisoner shall undertake such work on a prison as may be allocated by the Director and such other work as the Director in his discretion considers to be of a public nature."

MR. BENSON O. EBANKS: Would the cleaning of roads...

HON. D. HAIG BODDEN. This would be government work. There would be no hiring out to private people as was done, or could have been done under the old law.

MR. BENSON O. EBANKS: I appreciate that thoroughly, Mr. Chairman, but this is no different from the first part of the old Law. Where it said "any government department", government department would be the same work as of a public nature which the Director has the discretion to consider of a public nature. No different, only the old Bill was more specific.

HON. D. A. BARWICK: I would like formally to move, Sir, that the words "by rule made under Section 7" follow the word "may" in the first line of sub-Clause (2) of the proposed new section 31.

MR. BENSON O. EBANKS: I will accept that, Mr. Chairman.

QUESTION PUT: AGREED. CLAUSE 23 PASSED.

CLERK: CLAUSE 24. INSERTION OF NEW SECTION 31A.

MR. CHAIRMAN: The question is that clause 24 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 24 PASSED.

CLERK: CLAUSE 25. SUBSTITUTION OF SECTION 32.

MR. CHAIRMAN: The question is that clause 25 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 25 PASSED.

CLERK: CLAUSE 36. AMENDMENT OF SECTION 33.

MR. CHAIRMAN: The question is that clause 36 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 36 PASSED.

CLERK: CLAUSE 37. REPEAL OF SECTION 34.

MR. CHAIRMAN: The question is that clause 37 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 37 PASSED.

CLERK: CLAUSE 38. SUBSTITUTION OF 35.

MR. CHAIRMAN: The question is that clause 38 do stand part of the Bill.

HON. D. R. SCHWICK: There is a small printing error in the first line of the proposed new sub-section (2). I think this can properly be made at the Table if you feel otherwise I am prepared to move it formally. "Any period during which a prisoner is at large....."

MR. HENSON O. EBANKS: It would be difficult for a person to be at large.

MR. CHAIRMAN: If there is no objection the correction will be made at the Table.

QUESTION PUT: AGREED. CLAUSE 38 PASSED.

CLERK: CLAUSE 39. AMENDMENT TO SECTION 37.

MR. CHAIRMAN: The question is that clause 39 do stand part of the Bill.

MR. HENSON O. EBANKS: I have nothing to add.

QUESTION PUT: AGREED. CLAUSE 39 PASSED.

CLERK: CLAUSE 40. REPEAL OF SECTION 38.

MR. CHAIRMAN: The question is that clause 40 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 40 PASSED.

CLERK: CLAUSE 41. REPEAL OF SECTION 39.

MR. CHAIRMAN: The question is that clause 41 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 41 PASSED.

CLERK: CLAUSE 42 AMENDMENT OF SECTION 40.

MR. CHAIRMAN: The question is that clause 42 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 42 PASSED.

CLERK: CLAUSE 43. AMENDMENT OF SECTION 42.

MR. CHAIRMAN: The question is that clause 43 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 33 PASSED.

CLERK: CLAUSE 34. SUBSTITUTION OF SECTION 45.

MR. CHAIRMAN: The question is that clause 34 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 34 PASSED.

CLERK: CLAUSE 35. AMENDMENT TO SECTION 47.

MR. CHAIRMAN: The question is that clause 35 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 35 PASSED.

CLERK: A LAW TO AMEND THE IMPRISONMENT LAW.

MR. CHAIRMAN: The question is that the title do not stand part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination in committee of a Bill intituled "the Imprisonment Amendment Law, 1981". I think this might be a good time to terminate proceedings.....I will now look from committee into the Assembly.

HOUSE RESUMES

MR. PRESIDENT: Proceedings are resumed.

PERSONAL EXPLANATION - STANDING ORDER 31

MR. HANSON O. NEMBHARD: Mr. President, under number 31 of Standing Orders since there is no question time tomorrow I crave your indulgence to make a personal statement.

Mr. President, first of all I would like to apologize to you for my rude behaviour in speaking across the floor, but being human one reaches the end of his patience, and whether it was intentional or by lack of memory through the passage of time the Member should have known quite well that the accusations which he was making were incorrect. It is true that during the tenure of my office as the Governor of Caribbean Development Bank up until 1979, I made efforts to increase the provisions in their by-laws for the amount of loan which could be granted to the Cayman Islands, British Virgin Islands, Turks and Caicos Islands, three of the four territories which I represented on that Bank, but Mr. President, the operation of the Caribbean Development Bank mortgage scheme in these islands came into effect after I left government, I think it was in 1977, therefore I had nothing to do with the passing of this business to Cayman National Bank. It was the policy of Caribbean Development Bank not to deal with the government in that matter. They required a local institution and it was the government of the day that recommended Cayman National Bank. That can be borne out by records in Executive Council and in Government. Thank you, Sir.

HON. JAMES M. MILLAM: Mr. President, if those records exist, I would like to know where they are at, however.....

MR. PRESIDENT: I am sorry, there is no debate allowed on these statements.

## ADJOURNMENT

HON. H. K. HANWICK: I beg to move that this Honourable House do now adjourn until 10 o'clock tomorrow morning.

QUESTION PUT: AGREED.

AT 5:30 P.M. THE HOUSE ADJOURNED UNTIL THURSDAY MORNING 25TH MAY, 1982 AT 10:00 O'CLOCK.

FOURTH MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON THURSDAY, 28TH MAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CMG, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DAVID R HARWICK, CBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON V G JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT |
| HON JOHN B MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON G HAIG BODDEN | MEMBER FOR COMMUNICATIONS AND WORKS |

ELECTED MEMBERS

| | |
|---|---|
| MR GARSTON J SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR BENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR W NORMAN BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HUTCAR BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MARRY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |

ORDERS OF THE DAY
FOURTH DAY
THURSDAY, 28th May, 1981 at 10 a.m.

1. PRIVATE MEMBER'S MOTION NO. I -

TO BE MOVED BY MISS AMLIE HUGHAH BODDEN OF GRAND CAYMAN
TO BE SECONDED BY CAPT. CHARLES L. KIRKCONNELL OF CAYMAN BRAC

WHEREAS many complaints have been made by members of the general public, both residents and visitors, concerning the improper manner in which persons, both men and women appear on the streets, more especially in down town George Town, in the business places, shops, banks, restaurants, Court House, Post Office, Libraries, Administration building, etc., almost nude;
AND WHEREAS the lack of proper clothing can only lead to the moral decay of this once highly respected community, and could be responsible for the increase of crime and sexual assaults in the Islands;
AND WHEREAS in some of the more up-to-date Super Markets, Shops and Business places, the Proprietors will not allow persons who are indecently clad to be served or come into their places to do business, which could hamper trade to some extent;
AND WHEREAS to avoid such happenings, and to protect the high moral standards which the Islands once enjoyed;
BE IT RESOLVED by this Honourable House that legislation be drafted and presented at the next meeting to provide that persons, both residents and visitors, are attired in such a manner that their bodies are properly clothed, and that no parts of the body are exposed to view which ordinarily should be covered; that beach wear, swim suits, bikinis, etc., are worn only on the beaches; that Bermuda shorts, and/or Jamaica shorts be worn in such public places that so permit, as is the law approved in other territories.

2. GOVERNMENT BUSINESS -

BILLS: -

| | | |
|---|---|---|
| (i) | The Liquor Licensing (Amendment) Bill, 1981 | - COMMITTEE THEREON |
| (ii) | The Wreck and Salvage (Amendment) Bill, 1981 | - DO. |
| (iii) | The Housing Development Corporation Bill, 1981 | - DO. |

| | | |
|---|---|---|
| (i) | The Imprisonment (Amendment) Bill, 1981 | - REPORT THEREON |
| (ii) | The Liquor Licensing (Amendment) Bill, 1981 | - REPORT THEREON |
| (iii) | The Wreck and Salvage (Amendment) Bill, 1981 | - REPORT THEREON |
| (iv) | The Housing Development Corporation Bill, 1981 | - REPORT THEREON |

| | | |
|---|---|---|
| (i) | The Imprisonment (Amendment) Bill, 1981 | - THIRD READING |
| (ii) | The Liquor Licensing (Amendment) Bill, 1981 | - THIRD READING |
| (iii) | The Wreck and Salvage (Amendment) Bill, 1981 | - THIRD READING |
| (iv) | The Housing Development Corporation Bill, 1981 | - THIRD READING |

GOVERNMENT MOTION NO. I - LOANS- CARIBBEAN DEVELOPMENT BANK
TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER ( FINANCIAL SECRETARY)

WHEREAS the Legislative Assembly approved this year the construction of a port in Cayman Brac and roads in the Islands to be partly financed by loans from Caribbean Development Bank under the Loans (Caribbean Development Bank) Law, 1977
AND WHEREAS in accordance with Section 3 (1) of the Loans ( Caribbean Development Bank) Law, 1977 any loan from this source in excess of CI$250,000 must have the consent of this Honourable House
AND WHEREAS the loans being negotiated with Caribbean Development Bank are CI$1.25 million for the Cayman Brac Port and CI$835,000 for Roads both of which exceed the CI$250,000 limit thus requiring the consent of the Legislative Assembly.
NOW THEREFORE BE IT RESOLVED that this Honourable Legislative Assembly approve that the Government of the Cayman Islands borrow from Caribbean Development Bank the sums of CI$1.25 million and CI$825,000 the proceeds of which will be applied to expenditure on a Cayman Brac Port and Roads respectively as approved under the Appropriation Law, 1981.

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THURSDAY 26TH MAY, 1994

10:00 A.M.

MR. PRESIDENT: Proceedings are resumed.

PRIVATE MEMBER'S MOTION NO. 7 - DRESS CODE

MISS ANNIE H. BODDEN: Mr. President, with your permission I should like to move Private Member's Motion number 7 as follows:

"WHEREAS many complaints have been made by members of the General public, both residents and visitors, concerning the improper manner in which persons both men and women appear on the streets, more especially in down town George Town, in the business places, stores, banks, restaurants, Court House, Post Office, Libraries, Administration Buildings, etc., almost nude;

AND WHEREAS the lack of proper clothing can only lead to the moral decay of this once highly respected community (I would add Grand Cayman and the sister Islands), and could be responsible for the increase of crime and sexual assaults in the Islands;

AND WHEREAS in some of the more up-to-date Supermarkets, Shops and business places, the Proprietors will not allow persons who are indecently clad to be served or come into their places to do business which could hamper trade to some extent;

AND WHEREAS to avoid such happenings, and to protect the high moral standards which the Islands once enjoyed;

BE IT RESOLVED by this Honourable House, that legislation be drafted and presented at the next meeting to provide that persons both residents and visitors are attired in such a manner that their bodies are properly clothed, and that no part of the bodies are exposed to view, which ordinarily should be covered, that beach wear, swimsuits, bikinis, etc., are worn only on the beaches; that Bermuda shorts, and/or Jamaica shorts be worn in such public places that so permit, as is the Law approved in other territories.

SECONDED BY: CAPT. CHARLES KIRKCONNELL.

MISS ANNIE H. BODDEN: Mr. President, I feel Sir, that as a lady, the only lady of this House it is my duty to present such a motion. And I hope, although I am sure some of these gentlemen like to see half naked women, because it shows their proper form and shape, but I am very sure they will agree that you can go to extremes.

Mr. President, I am not saying that I am prude, that I have not worn proper bathing suits, but in all my life I have never worn a pair of shorts. Not that I detest seeing shorts that are, (I would say as my mother used to tell us dammit) that I feel that a woman especially is a special creature, and they should not expose themselves in a manner which will cause anything that would deteriorate from the high standards that women should have.

Now Mr. President, this motion is not brought on my own initiative. I have been approached by people in the Island of Grand Cayman, and some of the people I would say, what we would call the lower type. The type who you would expect that would not notice such things.

We have in our Assembly Building, next door a beautiful tree and a bench on which some very ordinary young men sit, and on more than one occasion those men, some of them half drunk, some of them perfectly sober, but not of what you would call the real up-to-date high class people, and they have approached me and said "Miss Annie you are a lady, and while people might not look on us as having very high standards, we feel that in our Island.

MISS ANNIE U. PODDEN (CONTINUING): today we do not like to see people who are not properly clad, it gives us ideas that we would not ordinarily harbour". Now Mr. President, I have had complaints from this type. I have had complaints from ladies. About two weeks after I had filed this with the Clerk of the Legislative Assembly, I would say a middle aged lady came to my office, and she is not like the ordinary type woman who chats so much, and she came to me and she said "I have a complaint to make to you", I said "a complaint, and what is that complaint?" She said "Well, I was just passing the Court House, and I met a lady there, and she had two strings one under her arm and one across her middle." Now she said "Miss Annie that is a disgrace, we have not been accustomed to that, and I feel that Government should do something to see that people are properly clothed."

Mr. President, it is to this matter that I am referring. The people who are not properly clothed, and I feel Sir, that we who are supposed to have good intelligence, good sense, and high morals that we should try as far as possible to eliminate such exposure.

Now I am not saying, Mr. President, that shorts are out of order, provided they are not short shorts. If they are medium size and length, I feel that they should be worn. We should not try to dictate what people should wear provided the clothes are decent.

I was in Court during one Magistrate reign, and there was a man there, for indecent exposure at the Airport. Well, that man had to answer the call of nature, and he was brought before the Court. He was ordered to pay five shillings, and he had to pay. He did not have that five shillings, he had to ask for some time in which to pay the money. Well, if that was the high standard that we observed years ago, now I see people in the street and it is horrible. I feel that we are not doing anything wrong, we are living in a democratic country, but people who do not know better must be taught better, and I feel that it is our duty to do what we know is right.

Up to yesterday afternoon I had a letter, and that was from a man, asking me not to uphill down in this resolution, and he felt sure that the Honourable gentleman that I am associated with in this House would do everything to protect and see that the way of life we had where people could not appear almost nude on the streets will be stopped.

Mr. President, I feel that we in the past, we lived lives that could (Inaud). I thought, Mr. President, that the Honourable gentleman might have had some objection to what I was saying. That is why I sat down. I feel, Mr. President, that we should not in any way try to compel people to go against what is right, but I am sure, Sir, that when we try to legislate a law that will maintain the high morals and the standard that we had in the past that there can be no objection.

In some of the Supermarkets I have heard the proprietor say that when people come into their stores not properly clad, they refuse to serve them, and that can only tend to less business. I have seen in some of the hotels no person will be served who is wearing a swimming suit. Well, I would say a swimming suit, and if they had a proper beach jacket over it would not do much harm, but these short shorts their are not decent, they are not becoming, and I feel, Mr. President, that we who really profess to know better should try to set an example. God has given us all beautiful bodies and according to the scripture our first mother had to make fig leaves of some kind to make herself clothing after she had sinned against God, and after ever since women in particular have worn clothes, that is in civilized countries, and even in the far regions where the people are not quite civilized they wear grass skirts.

MISS ANNIE H. BODDEN (CONTINUING):

Now, Mr. President, I do not like to refer to such things, but there in this Tourist Weekly, I see here "A sunny Sunday on the Seven Mile Beach", there is a woman laying on her stomach with her whole back exposed " a sunny Sunday on the Seven Mile Beach", and then, Mr. President, there are some nude suits advertised which I am very sure no decent respectable lady would appear in such a manner before men in the public. It is like the lady who told me.....

HON. G. HAIG BODDEN:

On a point of order, Mr. President, that matter is not relevant. If we were discussing obscene publications rather than clothing on actual people, that part of her debate would be relavant. And furthermore she has the right to read extracts, but these are pictures which she do not produce.

MR. PRESIDENT:

I think the point of order is well taken.

MISS ANNIE H. BODDEN:

Mr. President, I am very sure I could get some objections, but coming from a gentleman who I feel sure must agree with me except it comes from Annie Bodden, that I am not out of order. I was not quoting any quotations I was just barely showing some pictures, but since he objects I am sure he has seen them himself, so I will not press the point.

But I repeat that our bodies or at least my body is a sacred something, and from my youth I was taught "your body is the temple of the living God," and if you want to live a good life, and that was from a child, you must take care of your body. Keep it clean and do not suppose your body, because it is God's temple. Well, I am sure not many women who wear these kind of clothes think that their body is a gift from God, and they should be kept covered.

Well, I am asking the people of this Honourable House to support this motion, and I was also told they were to send it to a Select Committee, I have no objection, the only thing I ask is that all gentlemen, and I am very sure that you are all gentlemen and more especially those of you who have young girls growing up, and respectable wives, should see that they are properly clothed.

Now I am sure in generations following ours it might be the policy to appear nude on the streets and before it gets to that, let us try by God's help to keep up the tradition which the Cayman Islands have enjoyed in the past, and that is that we were good God fearing moral women. Thank you Sir.

HON. D. R. BARNICK:

Mr. President, Sir. The First Official Member not being present today I rise in his place, and with his authority under Standing Order 24, paragraph II to move an amendment to the motion before this Honourable House. Notice of the amendment Sir, was duly given as required by paragraph 2 of Standing Order 25. The amended motion that I am moving Sir, does not seek to deal with the merits of the principal motion before the House, which the Honourable Lady Member from George Town has put down. It is widely known Sir, that the majority of the people who live in these Islands have a strong sense of propriety, and that any bill based on a need to maintain standards of decency here will receive wide and genuine support.

It is good too, Sir, that social standards and the need to support them should receive close and regular examination.

The Government Sir, feels that such an examination is, in this area, best conducted in the kind of environment which a Parliamentary Select Committee provides,

HON. D. E. BARRICK (CONTINUING): and I am very pleased to hear Sir, that the Honourable mover of the principal motion has thought able to give this amendment her support. In the Select Committee guidance can be taken and witnesses can be examined. By this process the views of experts and interested members of the community can be obtained and considered. In the present case Sir, the Committee might well wish to hear representatives of the Churches, to take the advice of the police, to take the opinion of those engaged in the tourist industry, to take the advice of merchants, shop keepers and so on.

In Select Committee opportunity will be available to consider what legislation in other countries both similar and dissimilar to ours has to deal with the subject of standards of decency.

We can give two, Sir, a timely and unhurried consideration to this question, which raises important moral issues without the nonsensical rush the time available here places on it.

So I repeat that this motion does not attempt to nullify the original motion, but is designed to enable it to be given deeper consideration. Mr. President, Sir, I beg to move.

HON. TRUMAN M. BODDEN: Mr. President.....

MR. PRESIDENT: I am sorry, I must propose the question first.

The question now is that an amendment be made to the original motion as set out in a notice paper circulated to Honourable Members dated the 21st day of May, 1981. The motion on the amendment is open for debate.

HON. TRUMAN M. BODDEN: Mr. President.....

MR. BENSON O. EBANKS: Mr. President, I am wondering if this amendment does not require to be seconded under sub-section (4) of section 25 of the Standing Orders?

HON. TRUMAN M. BODDEN: Mr. President, this was what I was going to endeavour to do, even though normally it appears that motions need not be seconded there was a specific provision, and if it needs to be seconded then I would second it Sir.

MR. PRESIDENT: I would like to bring to the attention of honourable Members that Standing Orders 10 (1), the wording of Standing Order 25 (4) means that if the motion has to be seconded, in other words if an amendment is moved by a Member other than a Member of Government, then it requires seconding.

HON. TRUMAN M. BODDEN: That is correct, Sir.

MR. PRESIDENT: This is quite clear that Members look at Standing Order 24 (12), "on a motion made and when necessary seconded," and the same provisions apply to an amendment to a motion.

HON. TRUMAN M. BODDEN: Mr. President, this amendment to the motion is one which is very usual and very properly put into a Select Committee. I think the more attempted production of papers, pictures, and matters which I agree are relevant to a motion of this kind can properly be dealt with under Standing Order 70, sub-Standing Order (1).

I expect that perhaps Members of the opposition may endeavour to distinguish or to show the similarity between this motion and the Housing Bill yesterday.

HON. TRUMAN M. BODDEN (CONTINUING): There is undoubtedly in this case an instance where the mining of this matter into a Committee under Standing Order 70 (1) is proper, because I believe that both witnesses will have to be called, and as the mover of the original motion has shown, she may wish to produce papers, pictures, documents and matters of that sort.

This differs considerably from a standard Bill, such as that creating a statutory corporation under the Housing Law. It is a very important motion, and it deals with aspects such as the proper defining of what in the motion would perhaps be Bermuda shorts, or Jamaica shorts and these sort of things, and it would be I think very important that perhaps there be called either witnesses with these, or perhaps that they be produced to a Select Committee. That machinery is not really properly dealt with in this Honourable House. In fact it may well be that some of the documents or some of the garments that would be put before this House may well be what the Lady Member may be endeavouring to show, should not be brought into a public place, such as this Legislature therefore, I feel that we should deal with this in a Select Committee where these matters need not necessarily have to be seen by perhaps the young type of audience we have this morning, and it is therefore the machinery of the Select Committee rather than the machinery of this House that should be brought in motion to deal with it.

In fact, Mr. President, I think it is undoubtedly standard in the United Kingdom as well as in North America that matters of this sort where there is an attempt to exclude certain indecent garments in this case from the public, that there not be the displaying and exposing of these in a public forum such as this. Therefore, I think to properly be able to deal with this matter it should go into a Select Committee. It is completely different from a standard Housing Corporation as the other law was revising, and it would endeavour to ensure that at least this Honourable House does not expose pictures, or shorts or whatever may be regarded as indecent to be exposed in public, to expose it within the precincts of this Honourable House.

Therefore, I would ask that Members support this, as the Lady Member undoubtedly has intimated that she will support this going to a Select Committee where she may produce her own documents, the pictures that she had, and I would assume that other Members will follow the Lady Leader of the original motion. Thank you.

HON. C. WAIO BODDEN: Mr. President, I want to endorse the amendment that this motion be dealt with in a Select Committee, and my strong feeling is that the Committee must call witnesses, which would not be allowable here today.

The wearing of clothes is universally accepted in Grand Cayman, and there are many segments of the community involved and they would wish to be heard, and this can only be done by using a Select Committee.

The Committee will probably want to hear the views of the Chamber, the merchants, the hotels, and perhaps even individuals in the community. So because it is such a unusual question it is a fit motion to be heard by the Committee, and perhaps it would even be necessary for the Committee to examine certain garments which might be termed indecent, and this would not be possible by the House in its formal sitting, as the Lady Member has indicated. She herself is enquiring that a Committee can properly deal with the motion, and I would trust, Mr. that sufficient notes can be found so that this matter of universal application can be thoroughly aired and that a proper course of action can be taken if found necessary.

MR. NORMAN W. KNIGHT:

Mr. President, I would like to support the amendment as put forward to Private Member's Motion number 1. I feel that a Select Committee is the proper place to discuss in detail the pros and cons of this motion. It is undoubtedly necessary that matters of this nature will come up in committee similar to ours, and I certainly support what has been put forward by the Lady Member.

I am fully aware that the tourist dollar is very important to our economy, and the mode and type of dress, as far as I am concerned, applies to visitors and locals alike, but never at any stage should we forfeit our morals for dollars and cents, and I do not believe it is unreasonable for us to expect a certain type of decency and to demand it, if there are those who do not have the decency to do so voluntarily, to dress properly.

I do not think that we can specify the type of dress, Bermuda shorts for certain areas, but I feel that we have to deal with prohibiting bathing suits from use in certain areas, and in certain businesses. So with those comments, Sir, I support the motion and also the amendment that it go to a Select Committee. Thank you, Sir.

MR. HENSON O. EVANS: Mr. President, I of course support the amendment to the motion before us, but I hope we are going to return to the substantive motion so that that can be concluded also. I would only like to say, Mr. President, that I support the amendment, not because I agree with all the points put forward by the Government Member moving this amendment. I agree with it because I believe in democracy, and I do not believe in rushing legislation. There is nothing in the rules which says that a Select Committee must call witnesses, and, Mr. President, I really do not see how one could stretch the imagination to the point where it could be considered that any garment that might be required or desired to put in evidence if the substantive motion was being debated, could cause any attack. I do not believe it could have been the intention to bring these garments in on a lady or on a mannequin, and I cannot see the relevancy of that point.

Objections were also made to the attempt by the Lady Member to display certain photographs.....

MR. PRESIDENT: The Honourable Member will have the opportunity to make these points later in debate if he so wishes. If the amendment is voted through by the Assembly, then the next proposal is that the motion as amended be approved at which stage the Honourable Member can raise points on the original motion. This debate should be limited purely to the amendment proposed by the Honourable General.

MR. HENSON O. EVANS: I accept your ruling, Mr. President, but this point was raised in the debate on the amendment to the motion which is the matter that is now before the House, and I think that under the rules of debate I have a right to reply to any matter that has been raised in the debate.

MR. SPEAKER: That is correct. If the matter has been raised in the debate on the amendment, the Honourable Member is allowed to speak.

MR. HENSON O. EVANS: Yes Sir, the matter has been raised, and the point is that the members might not have heard what the publication that the Lady Member was quoting or displaying from was, they said that it might have been obscene books and so on. But the Lady Member was using the Tourist Weekly, which is endorsed by the Government of this country. It bears on one page.....

HON. TRUMAN M. BODDEN: Mr. President, on a point of order, Sir. The Member is going into the merits of the motion, and he really is not endeavouring to make again produce a document, and I do not really see how he can go into the merits, he must confine himself to whether this should go into a Select Committee or not go into a Select Committee, Sir.

MR. PRESIDENT: If I am correct the references to documents were made in the Lady Member's presentation before the amendment to the motion was proposed, but now we are debating the amendment to the motion.

. . .

MR. BENSON O. EBANKS: Mr. President, I am not being obstinate, Sir. I am with the debate all the way, and it is the Member who is now objecting that made this point in the debate on the amendment.

MR. PRESIDENT: Subject to correction, the Honourable Member rose on a point of order when the Lady Member was speaking, which is before the Attorney General moved this amendment to the motion.

MR. BENSON O. EBANKS: Mr. President, if my memory serves me correctly it was the Fourth Elected Member who made that point.

HON. G. HAIG BODDEN: Mr. President with your permission, I cannot help this gentleman because what he is saying is incorrect. The only reference was that the discussion on the production of these papers would have been relevant to a discussion of obscene publication, but not to a discussion of slanderous on a person. So he cannot reply, unless he replies on that particular point.

MR. PRESIDENT: If the Honourable Member did refer to this, then I think the Honourable Member speaking has the right to comment.

MR. BENSON O. EBANKS: Mr. President, this was given as one of the reasons by Government why this should be sent to a Select Committee, so that books could be examined, and they were saying that this was not so in normal circumstances, and I am saying that I am not seeking to put the pictures in evidence, I am only saying that on page 4 there is a notation which says that this particular publication, The Tourist Weekly is distributed each week by airlines serving the Cayman route, cruise ships, hotels, restaurants, stores, the Department of Tourism outlets, both in Cayman and abroad, its annual readership exceeds one hundred thousand, and I do not see how if that is an accepted publication the Member can suggest that this was.....

HON. JAMES M. BODDEN: Mr. President, a point of order, Sir. This motion that is before the House and also the amendment to the House, it is not dealing with an obscene publication, that would come in under a different motion if somebody wish to plead it. I think just because the matter may have been alluded to in one of the submissions that might have been made does not give the Member the right to try to introduce and bring in the publication here. Because I think to object against the publication that he has objected to, I do not see anything in it that could be termed obscene. Next thing I think we will have on that side presented will probably be a Playboy magazine if this continues.

MR. PRESIDENT: I think the Honourable Member has made his point and might be better if we return to the .....

MR. PERCY O. EVANS: Mr. President, I have made my point, and thanks for the ruling, but it was introduced in the debate on the amendment by the Government Bench, as a reason why it should go to a Select Committee.

As far as I am concerned, I support the amendment going to a Select Committee purely on the basis that it allows the House time to study the Motion properly, to call witness if necessary and to avail itself of any necessary expertise.

One of the Members of Government also anticipated what other Members might have said and thought that Members would use the opportunity to compare the difference between the treatment of this resolution and the treatment to the resolution yesterday to send the Bill for the Law proposing to establish a Housing Authority, and ought to say that this short motion was much more complicated than this very extensive and complicated piece of legislation.

Mr. President, I cannot accept his submission on that point, and I think it is only trying to justify an action which may be causing at their consciences. I support the amendment, Mr. President.

MISS ARNOLD A. BODDEN: Mr. President, Sir, as the mover of this Motion I feel that I have been insulted when talking about Playboy magazine. I have never seen one in my life, I do not deal with those kind of obscene pictures and neither do I proclaim what is contained in the paper.

MR. PRESIDENT: If there is no further debate I will put the question on the amendment, that the amendment be made.

QUESTION PUT ON AMENDMENT: AGREED. AMENDMENT CARRIED.

MR. PRESIDENT: The question now is that the motion as amended be approved, and that is open to debate. I should at this point declare that technically I omitted to move the original question before the Lady Member withdrawed herself to the Motion, and before the Honourable Attorney General moved the amendment. I think I should declare this to the House, but the situation now is that the Motion as amended gives everybody the opportunity for debate.

MR. BENJOE O. EBANKS: Mr. President, I want to be assured and sure on the procedure we are going to follow on the original Motion at this point, because as I understand section 25 (4), if the question before the House now is that the Motion as amended be debated, there may be some objection in the debate, if Members should stray into the original resolve section of the Motion, and as I understand it you have the option of either putting the question upon the Motion as amended, or upon the original Motion. I am not questioning the way in which you are handling this, but I just want the assurance that the original Motion will be able to be debated in its entirety at this point.

MR. PRESIDENT: I do not think we can go back to the original Motion. Had I proposed the question originally the Honourable Attorney General could have moved the amendment exactly when he did so, and we are now debating the Motion as amended. But general discussion on the merits of the original proposition would not be disallowed.

MR. NORMAN B. BODDEN: Mr. President, as a new Member to this Honourable House I am not that experienced with procedures and I am mindful a while ago in debating the amendment to this Motion I most likely commented on both the amendment and

MR. NORMAN V. EDGAR (CONTINUING): and the Motion together. If this creates any confusion I apologize for this Sir, but I rise to support this Motion as amended, and at the chance of being repetitious I would like to say that this Motion whole-heartedly has my support. I say it again that it is not unreasonable to expect our visitors and locals alike to dress decently, if they do not have the ambition to do so voluntarily, and with that Sir, I would like to repeat that I support this Motion. Thank you.

MR. PRESIDENT: Are there any other speakers?

CAPT. DONALD C. KIRKCONNELL: Mr. President, I agree Sir, with the amendment of the Motion, and after we have taken the amendment to the Select Committee, I would like to know Sir, that we can then debate the original Motion together with the amended Motion at the next sitting of the Assembly.

Mr. President, I think that this is very timely. I agree that there are certain aspects of this Motion that could be better handled in a Select Committee. I feel, Sir, that we should not attempt to rail-road any Motion, any Bill, or anything whatsoever through this House. To be able to take it to a Select Committee and to call in witnesses, and other people from the Churches and the tourist industry. I think this is proper and fitting, and it will not create within the minds of our visitors that we are trying to make them uncomfortable and feel unwanted. Mr. President, I support the Motion.

HON. TRUMAN M. BODDEN: Mr. President, on a point of order, Sir, before perhaps the next speaker begins. You know, I did not raise this point with the other two speakers, I am just wondering Sir, subject to your ruling, it appears that what the amendment that has already been passed before the House says is that this matter goes to a Select Committee, and they have already debated upon the amendment, and the amendment has been passed saying it goes into a Select Committee. Now what appears to be happening is either a further debate on the amended motion, or a further debate on the amendment. I would have appreciated, Sir, that the Members had an opportunity to speak on the amendment, they agreed to it, passed it, and said that it should go to a Select Committee and that is where it now stands, committed to that Select Committee, and I do not really think it is proper at this stage to try to go back either on the original amended Motion or the amendment of the Motion.

MR. PRESIDENT: There is no point of order here. The Motion as amended is now before the House for debate. It is quite clear that there is debate allowed on the amendment and on the Motion as amended.

HON. TRUMAN M. BODDEN: As you rule, Sir.

CAPT. MARK C. KIRKCONNELL: Mr. President, I support this Motion as amended. I feel that it is our responsibility as representatives to defend the moral integrity of this community equally as much as the physical and financial, and I shall look forward to the opportunity of calling the necessary witnesses if required under the terms of the Select Committee, and like my colleague has said, I hope that this does not offend anyone, that is not my intention, it is just the intention that we can make this a better place to live.

MR. PRESIDENT: If I may clarify my previous remarks, Standing Order 28 (4) states "the Presiding Officer shall propound the question upon the Motion as amended, and after any further

MR. PRESIDENT (INTERPRETING): debate which may arise thereon, shall put the question to the House."

HON. NORMAN M. ROSOFF: I realize there are alternatives here, Sir.

MR. SPEAKER: If there are no further speakers.....

HON. ARNOLD O. BRANCH: Mr. President, I rise to support the Motion as amended. I think that the Lady Member who moved the Motion, and those Members who have supported the Motion as amended, have agreed that there is need for legislation. As the Lady Member said I may be no prude, I enjoy the scenery as much as anyone, but as the Motion quite rightly states, the time has arrived when people are moving about our community improperly dressed without any regard or consideration to the sensitivities of our people and without any apparent concern for their own modesty. And if it is necessary to legislate to see that these practices are discouraged, and prohibited, well, then I am prepared to support the legislation.

There is a time and place for everything and if sea, sun and sand is what brings visitors to our shores, that is found on the beach and not in the centre of George Town, in the Banks, and in Supermarkets, and on the streets.

If proper legislation is not introduced to deal with this matter I am going to have to bring a Motion to this House to amend the Traffic Law to exclude accidents that might be caused by persons whose attention is distracted by people who walk about mind as the Motion now referred to, and I think that it would be much more simple to pass the legislation which the Motion seeks to have passed.

As regards to the Select Committee, Mr. President, as I said, I support the Motion going to a Select Committee, but I do so on the grounds purely in the interest of good legislation, the interest of justice, and the interest of our country, we need time to study Motions and proposed legislation.

I do not believe that any more controversial legislation could have been before this Assembly than the one which we sought to have sent to a Select Committee yesterday, and I am still disappointed that a majority of Members did not see fit to support that resolution to put the Bill I am referring to a Select Committee, and I am hoping, Mr. President, that at the appropriate time the electorate will show their displeasure at that action.

I support the Motion as amended, Mr. President. Thank you.

MR. PRESIDENT: If there are no further speakers, I will put the question that the Motion moved by the Lady Member as amended by the Honourable Attorney General be approved by this House. It is the Motion as amended on which we are voting.

QUESTION PUT: AGREED. MOTION AS AMENDED STANDS COMMITTED TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

MR. PRESIDENT: Under Standing Order 60 (2) I nominate the Honourable Chief Secretary as Chairman of the Select Committee, and if Members are prepared to have the usual quorum of 7 plus the Presiding Officer, which is normally applied to us the quorum of this hour as a Committee of the whole House. As the Select Committee comprises all Members, it will probably be appropriate to have the same quorum, 7 plus the Presiding Officer. If there is no dissenting voice we can take that.

We move next to Government Business. The Assembly will resolve into Committee.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in Committee. The first Bill is a Bill entitled "The Liquor Licensing (Amendment) Bill, 1981".

THE LIQUOR LICENSING (AMENDMENT) BILL, 1981

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. If there are no speakers I will put the question.

QUESTION PUT: AYES AND NOES

MR. CHAIRMAN: I think the "ayes" have it.

CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SEC 32 OF 1974.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PROPOSED.

MISS ANNIE A. NORDEN: Mr. Chairman, I would like to make mention that instead of to request any person to leave the licensed premises or to forbid people or any person from entering the licensed premises, that they should look to make some trouble. I would like to remind this honourable House, that such a thing was being practiced in 1969, there was a hotel on the seven mile beach to which people were not allowed to enter for no reason, just because they were supposed to be not up to scratch in society, and what happened they went down there on one occasion, and it was a regular riot, and the famous Mr. Bowen had to go and appease both the management of that hotel and those who would have caused the trouble and saved a riot. Now I feel, Mr. President, if we are making such an amendment to the Law, at least the people should commit some offence or threaten to do something before actually just because they are not liked, they might not be the right colour, class or creed, and they are asked to leave. I feel, Sir, that at least they should be told the reason why they are being asked to leave if no more.

MR. NORMAN W. BOWDEN: Mr. Chairman, under 32A of the proposed amendment, sub-section (b) where it says "to forbid any person from entering licensed premises", I should like to see this amended to read similar to the wording used in section 28 of the Law, which would read "to forbid any person from entering licensed premises who is drunk or disorderly or appears likely to create a breach of the peace."

HON. TRUMAN M. BODDEN: Mr. Chairman, I am just wondering if the Member is putting an amending motion, or what, because if he is doing that I would like to just have something to say in relation to Standing Order 62 (2).

Mr. NORMAN W. BODDEN: Yes, Mr. Chairman.

HON. TRUMAN M. BODDEN: Mr. Chairman, under Standing Order 58, sub-order (2), the Member there and the other Members of the

HON. THOMAS M. BODDEN (CONTINUING): opposition have constantly stated that things are not brought within proper time, and that notice is not being given.

. . . . . and while I assent Mr. Chairman, that you do have power to waive that section of the order, it seems very odd that if they are putting a standard that amendments, or motions or laws are being brought without proper notice, then I am really asking the Member why did he not give us the proper notice as has been done with one amendment that the Government is bringing, and really what is good for the goose is good for the gander. If you are then amending, do you really now expect to ask the Chairman to waive that Standing Order and you just give notice of it impromptu as you have now done. You object to that procedure, yet you use that procedure.

MR. BENSON O. EBANKS: Mr. Chairman, we are very cognizant of what the Member, (that is the Member on my right) did Sir, and we did it exactly to provide a point. My grandfather always said give a man enough rope and he will hang himself. Yesterday the debate on the Motion to send the Housing Bill to a Select Committee, we were given full assurance that there would be no restrictions on the debate in Committee on that Bill, and that Members would have every opportunity to propose amendments. Now this simple little Bill and a simple little amendment, attention is being drawn to Section 52 (2) which I am sure is intended to be used many often when we come to the Housing Bill.

MISS ANITA H. BODDEN: Mr. Chairman, I was about to say the same thing, Sir. If we cannot get a little amendment on this without the two days notice, how is it that we are going to get any amendment to this infamous Bill. That is what I am saying, Mr. President, and I feel that we are not here to quibble over everything and we have the right if we want to make an amendment, to make it, and we are not the opposition all the time either. I would term it the other way around.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, if we are not able to open our mouths or to change anything through amendments, I do not see the necessity for this side of the House to be here at all.....

MISS ANITA H. BODDEN: Amen.

CAPT. CHARLES L. KIRKCONNELL: and if this is the way it is going to be Sir, I shall be absent from the Committee stage of all Bills.

HON. THOMAS M. BODDEN: Mr. Chairman, I am merely making a point. Quite frankly anything in the interest, and I am sure that you will rule, that they should make the amendment, I do not mind it being made, I am just pointing out to you that the same standard, the same objection that you have been taking throughout this meeting, you are now guilty that what you allege that we have done, you are doing it. I mean, once you accept the fact that people sometimes do not put motions or laws in time, and if it is in interest of this House that anything be done by waiving the Standing Orders, I will always agree to it in the interest of good government, and the interest of good parliamentary procedure, but what I am really saying do not really make allegations against us, and then you on the other hand do precisely what you are alleging is wrong, and I have no objection to the amendment being put whatsoever. I am just making that point. You know, both side do err within the procedure at times.

MISS ANNIE R. BODDEN: Mr. Chairman, if it is to be understood here that we will not have any opportunities to amend that Law, I personally will walk out of this Assembly, whether I loose my seat or not it does not matter.

MR. CHAIRMAN: I think we are taking up too much this debating procedure and not the section of the Law that is before us. The procedure is quite simple on this, either an amendment is put down in writing and conforms with the procedural requirements or as happened in committee from time to time, a point has been debated generally, consensus has been reached, and an amendment has been permitted by the Chair to be moved without amendment because that seems to reflect the general view of the House. The Honourable Member has made his point. I take it that it is not moved formally because no notice has been given, and it can be debated in the usual way in considering this clause.

MR. NORMAN W. BODDEN: Mr. Chairman, this was the point I made in my debate when this came up, and I sincerely feel that "any person" should be clearly defined if we are trying to achieve clarity. I think for the sake of clarification "any person" in this amendment should be clearly defined to avoid future problems, and what I have stated is my view on this, Sir.

Mr. Chairman, I would therefore like to move an amendment to section 22C sub-paragraph (b) to read "to forbid any person from entering licensed premises who is drunk or disorderly or appears likely to create a breach of the peace."

HON. O. RAY HODDER: Mr. Chairman, if the amendment is to be put it will have to read "to forbid any person who is drunk or disorderly" instead of putting "who is drunk or disorderly" after "premises", because the premises would be drunk or disorderly. But I would like to say on this that this is not a simple amendment as the other side of the House has made it out, because this amendment would bring back the same qualifying section that has caused the trouble in the old Bill, and the intention of this amendment is to eliminate the qualifying section from the old Law.

MR. NORMAN W. BODDEN: Mr. Chairman, as I understand it, section 22 of the old Law deals with entering a person already on the premises whose behaviour is as stated, and this section I am referring to deals with the entering in prohibiting the entering of people into those premises.

HON. TRUMAN M. BODDEN: Mr. Chairman, one of the things that this amendment covers is where a person has on a previous occasion, for instance, smashed a bar, should you then let him back in. Let him begin to wreck it before you exercise your powers to put him out. It is a preventative section rather than a corrective section, and your amendment would not go that far, he would wreck the bar go outside, come back in and, you know, wreck the bar again, and until there was some attempt at a breach of the peace some fight not on his part then really he could go in and you know, break it go back out, and come back in and wreck it. And it is to prevent just I think why this section is vital, and as I mentioned earlier the Liquor Licensing Board is you know, very tough on licensees, and they will not use this, you know, as you may worry, perhaps abused.

MR. PRESIDENT: I think that I should propose the amendment if we are going to debate it formally. It has been moved that 22C 1 (b) be amended so as to read "to forbid any person from entering licensed premises who is drunk or disorderly or appears likely to create a breach of the peace."

HON. D. K. BARRICK: I have not heard the words yet, Sir, could I have them again.

MR. PRESIDENT: The amendment reads "to forbid any person from entering licensed premises who is drunk or disorderly or appears likely to create a breach of the peace."

MR. NORMAN W. KNOWLES: Mr. Chairman, I think we should have to correct it along those lines.

HON. CHARLES L. FITZGERALD: Mr. Chairman, we are here trying to confine this thing to what I understand and to what I know is the problem area, and it is the case of these beach bums or fellows hanging up around the beaches, barging into the bars and disconcerting and interfering with people there. I think if we put somewhere in that amendment "to forbid any person having previously committed an offence or being known to be a trouble-maker" exclude him, and you would then specifically be dealing with the problem that we are trying to solve. I do not have the proper legal jargon here, Sir, but I think the Attorney General could probably whip something together and this would deal specifically with our problem.

MR. BRUCE O. EARLE: Mr. Chairman, I maintain the point, the posture which I did in the second reading of this Bill, that the whole Bill in my opinion is unnecessary. Section 32 as it now stands, in my opinion, providing the penalty which was created by the amendment in 1977, (I believe it is) where a constable is required to notify a police that the section as it stands is adquate. The Government is position is that that section does not cover a person who is entering the premises, but, Mr. Chairman, that section is so wide that if what we are seeking to do here is to exclude known characters, is poses no problem to the licensee, because it says "that any person if in the opinion of a licensee, his servant or agent or any constable, any person being on licensed premises is drunk or disorderly or appears likely to create a breach of the peace" (and take out that bit about notifying the police) "he shall without necessarily giving a reason, ask such person to leave the premises and such person shall leave forthwith."

Now surely, Mr. Chairman, if a person has been to a bar and wrecked it several times, a licensee has every reason to believe that that person would create a breach of the peace, and the moment he sets foot on the premises of that premise he would have the right to ask him to leave, and most of these establishments have done-man. I do not think that one could say that it is an unlawful thing to wreck a bar or to destroy guests in a bar, and I think that if somebody tried to wreck a bar he is certainly creating a situation in which there is going to be a breach of the peace. Even if it means that the bartender is going to clobber him, and for this reason, Mr. Chairman, I do not feel that the proposed amendment in the Bill adds anything to the powers that exist except as I said in the second reading that under section 32A sub-section (1) as proposed, in my opinion makes this clause meaningless where it says "a licensee or his servant has the right, and is deemed always to have had the right, at his absolute discretion without giving any reason therefore." The disturbing thing about this proposed amendment, Mr. Chairman, is that if I read the interpretation of "licensee" as amended by some recent amendment, it is broad as I understand it to be, the powers that now exist are frightening because of the class of persons that can exercise this authority. I feel that if we are to amend the Bill, (but I do not think it is necessary) I am going to support the one proposed by the First Member from George Town on my right, but I would like to hear (if this is the appropriate time) from possibly the Learned Attorney General on the interpretation of licensee as it now stands

MR. BENSON O. BANKS (CONTINUING). The disturbing thing about this proposed amendment, Mr. Chairman, is that if I read the interpretation of "licensee" as amended by some recent amendment, it is broad as I understand it to be; the powers that now exist are frightening because of the class of persons that can exercise this authority. I feel that if we are to amend the Bill, (but I do not think it is necessary), I am going to support the one proposed by the First Member from George Town on my right, but I would like to hear (if this is the appropriate time) from possibly the Learned Attorney General on the interpretation of licensee as it now stands amended. I would like to know if in the Interpretation Law a "constable" is different from a "police", and I checked the amendment and it is not "police officer," it is a police. I would like to know if a "constable" is different from a "police".

MR. CHAIRMAN: This would be an appropriate time to suspend for fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED IN COMMITTEE

HON. DAVID T. BARNICK: When the adjournment was taken, Sir, I had just been asked to look at one or two points of law arising out of what had been said already, the adjournment gave me an opportunity to do that insofar as I could with the resources available to me, and I endeavour to make my comments on the points which were left with me. And as far as I personally am aware, there is no move in prospect and there is nothing sinister about the dealing of the provisions which have been moved to have been the law in the past. I think an endeavour has been made by the Draftsman to state as a matter of statute law something which is or should have been generally accepted as The Common or Case Law, and I think that to be the reason for the inclusion of these words.

Secondly, Sir, the definition of "constable" is given in the general Interpretation Law. Where a definition is given in the general Interpretation Law, Chapter 71 of the Law of Cayman, that definition would, is held to be the proper meaning to be attributed to the word being defined in laws, orders in council, proclamations, regulations, rules and bye-laws, and I will read the full provision so that Members may be aware of it, "Unless there is something in the subject or context inconsistent with such construction, or unless it is therein otherwise provided". And it is a common technique which Draftsmen use to begin a law by defining the various terms which they intend to use in that law giving them the particular meanings that they are to have in the context of that law. Where they do not do that the word, when construction is called for would be taken to have the meaning given to it in the general Interpretation Law, unless as I have said, it is inconsistent with the construction, and in the event of there being a word in any statute which is defined neither in that statute itself or in the particular provisions of the Interpretation Law relating to definitions, then that word would be given its meaning by judicial interpretation.

The judicial interpretation would need to take into account any cases that had ever been decided to provide binding on the tribunal in question giving a meaning to the words, and failing that, Sir, the judge most likely would turn to the dictionary to find out what the word meant, and having armed himself with that information give it its ordinary and every-day meaning. So I have tried to see in the records of Hansard something which would answer the point made by the third Elected Member for West Bay, about the use in the one statutory provision of the words "constable" and "police officer". As far as the word "constable" is concerned, there is no definition in the Liquor Licensing Law but there is a definition in the general Interpretation Law, and that is, that constable means "any officer, sub-officer or member of the police force". The reference made in Section 22A to the police, I think, Sir, the reason for it is fairly obvious whatever the effect may have been.

The requirement was that a licensee, before or concomitantly with the exercise of his powers under that section was obliged to, quote "notify the police". The intention I think was, that if there was any kind of crime or disorder in licensed premises the police headquarters would be aware of it, and even though there might have been a constable or other person capable of dealing with the situation on the premises, a telephone call would go to headquarters, that I believe to be the meaning behind the words in the provision. I cannot really say that it might have been better expressed, I do not know whether it was part of the bill when it was originally published or whether it was an amendment moved in the committee stage or at some other stage of the bill, where very often amendments do not get the thorough consideration they might get otherwise. But nonetheless, I do not think the fact that the two words appear in the same sub-section necessarily mean that no sensible judge called upon to interpret the word "police" when he come on it in this particular law will have much trouble in deciding what it was that the licensee was supposed to do.

The third of the matters that was raised to my attention related to the recent provision added to the law in 1979 clearly defining what a licensee is now. Now, I am sorry, Sir, if I sound like I have given a lecture, probably not a very defined one on preliminary interpretation

HON. DAVID H. HADDICK (CONTINUING): of statutes, but in this particular case I think almost provides a perfect example of what is meant by "unless the context otherwise requires", because here, the intention of the amendment was to spell out those persons on licensed premises who should be responsible for the compliance there with the law and with the obligations which the law casts on licensees. The type of situation that the amendment was obviously designed to meet was that when the licensee himself perhaps had been absent from the premises, giving the custody of the premises into the hands of some person who may or may not have had an express engagement with the licensee but was within the category of the persons referred to in the law, this made it quite clear that for purposes of considering whether or not the licensee was carrying out the terms of his license, and whether or not an offence had been committed against the licensee insofar as compliance with those provision of the law which the licensee was required to comply with should not be avoided merely because of some particular arrangement which might exist between the licensee, persons whereas on I have said, from the premises, and the person to whom management or some aspect of the controlled premises had been delegated.

It is in that context this meaning has to be read, and the words "and for the purpose of responsibility for compliance and liability for non-compliance with this law includes every employee and person acting under the general control of such licensee" is intended to make it abundantly clear that not persons other than persons on monthly contracts, perhaps persons related to the licensee who have been treated as a person acting under his general control should also be liable for any non-compliance, and that the licensee would not be able to go before the licensing commission and say, "well, there was no breach in my hotel, at the time that happened my daughter was in charge of the bar and the obligation under the law falls on the licensee". I do not think I can add to that, Sir.

MR. BENSON O. EBANKS: Mr. Chairman, I would like to thank the Honourable First Official Member for his elucidation of the points which I have raised. And this raises a further question or makes my argument stronger, and that is, I would like if he would further elucidate on the fact that but for the amendment which states, "notify the police" and that Section 87 as it originally stood would have been adequate, in other words, I am suggesting that the difficulty which licensees are finding and which we are seeking to rectify by this amendment is to a large extent caused by the limitations which that small amendment made to the original law. And in fact if that was not so I would expect to find a similar provision in the proposed amendment, and it is not there.

HON. DAVID H. HADDICK: This probably goes beyond a purely legal matter and beyond a purely drafting point. I do not think that as a matter of logic it follows that because the new section omitted certain words from the earlier sections, that it was those words that were causing difficulty in giving application to the provision. A number of other factors may have led to the omission. It may, for example, be that improved policing generally no longer requires such a provision.

MR. BENSON O. EBANKS: Mr. Chairman, I did not intend to raise this procedural point or particular Standing Order at this juncture. I intended to do it later but having just seen that the bill before the House is also prepared to have been published in the same Gazette as the bill that I intended to take the point on, I would like to call attention to Standing Order 48 sub-sections (1) and(2). If a bill complies with the requirements of Standing Order 45, examination of bills, "the Clerk shall call the text thereof and the explanatory memorandum to be furnished as soon as possible, and shall also send copies of it to each other Member not less than seven days before it is proposed to be read a first time". Then Sub-section (2) says "The title of every bill so gazetted and circulated shall be placed on the Order Paper for first reading on the next sitting day after gazetting and circulation".

Both bills before us, a bill for a law to amend the liquor licensing law and a bill for a law to provide for the

MR. DENNIS O. EVANS (CONTINUING): establishment of a housing development corporation for promoting the development of housing and for matters connected therewith and incidental thereto are proposed by printing of the Bills to have been published with Gazette No.10 of 2021. The first Bill I referred to was Supplement No.1 and the second to be Supplement No.2.

I have checked my Gazette file, Mr. Chairman, and I am not in receipt of Gazette No.10. No Member that I have approached has received Gazette No.10, and in fact I have gone further and I have enquired and it is my information that Gazette No.10 nor No.9 have not reached the Government offices in Grand Cayman.

Now, Mr. Chairman, my interpretation or understanding of these Standing Orders is that the purpose of granting a Bill is in some notice on the general public that such a Bill is coming before the House and to publicise it to give the general public an opportunity to contact Members of the Assembly to offer input into the Bill to ensure that the general public know what is before the House. And subsidiary to that Bill of for reasons important in particular that it to comply with this Standing Order are not properly before the house I think we should not proceed with them.

SPEAKER: I am afraid that the Member should have this point at the first or second reading. Perhaps may be quite wise. I draw the Member's attention to page 441 of the nineteenth edition of Erskine May – "The right of a Member who considers that a breach of order has been committed will rise in his place and direct attention to the Chair to the matter provided he does so at the moment the alleged breach of order occurs". In other words, if the Member is satisfied to a inconsistency with this Bill or the basis that the introduction of the Bill contravenes Standing Orders in some way, a point of order should have been taken at the time of introduction of the Bill and not after we are in Committee.

MR. DENNIS O. EVANS: I accept that position, Mr. Chairman, but I did not realise that the Gazettes were not out until this morning when I was going through my Standing Orders and I looked at the Bill and I saw the Gazette and I looked for it and it was not there. And I assume that it is my responsibility to call the attention of the House to an irregularity whenever it comes to my knowledge. I feel that I would be compounding something if I did not act on the knowledge at the time. It is not information or knowledge that I had earlier and could have used and I am only drawing your attention, Sir, and the attention of the House to the fact that these Standing Orders have not been complied with as I understand it. And maybe in light of my submission Members will be inclined to have second thoughts on our deliberations because I cannot put my hand on the particular Standing Order at the moment, but I believe that the Bill can be withdrawn or recommitted, or whatever. It can be withdrawn at any stage by the Members who are proposing it. I am not saying that I have the right to move my motion to withdraw it, I am only putting the onus where the onus belongs and assessing my view that whoever is responsible for that should assume the responsibility and do what is necessary.

HON. TRUMAN M. BODDEN: Mr. Chairman, as one looks on procedural points again and if one reads Standing Order 38(7) carefully, you will see what says, "If a Bill complies with the requirements of Standing Order 36, which is(Examination of Bills), the Clerk shall cause the text thereof and the explanatory memorandum to be printed as soon as possible.". Then the second part of the Order, "..... and shall also send copies of it to every Member not less than seven days before it is proposed to be read a second time.". (Sic – first time) The Standing Order which was made during the

HON. ERNEST H. BODDEN (CONTINUING): period when that Member last speaking was in the House, be very clear and the Bill is within that. And in my event one of the points raised I think comes back to what is the standing rule of law of ignorantia juris non excusat, that if through ignorance of the law or the Standing Order he fails to take a point, then I cannot see why he should now endeavour to play this sympathy of the House if he did not take it at the proper time. But, in any event, it appears to me to be very clearly within that Standing Order and in fact, we are well on into the Committee stage of this and I would be loath to allow the course that we are taking at this time whether it is procedural. In fact on the earlier procedural point that I raised we went on. Now we have a further procedural point being raised again, one really not properly raised, but endeavoured to be raised.

MR. BENSON O. EBANKS: Mr. Chairman, I thank the Member for his contribution, but he seemed to have misunderstood my submission and he also seems to miss, or has not read sub-section (2) of the Standing Order which I called attention to. I said sub-section (1) and sub-section (2) says, "The title of every Bill so gazetted and circulated ....", and it is to the very point that ignorance is no excuse for breach of the law, why I called attention to the breach to be committing in that nobody could claim ignorance.

MR. CHAIRMAN: I think the point is that this cannot be raised as a point of order at this time because we have gone too far with the Bill, but it will be noted what the Member has said and I will take up with the Clerk the fact that there has been some delay in publishing these gazettes and endeavour for the future to make sure that Members get copies of the gazetted Bill as well as the copy of the Bill which has been circulated within the time.

HON. G. HAIG BODDEN: Mr. Chairman, with your reference to Erskine May you have already on the point and you have made it certain that his objection cannot be taken at this stage. But to further reinforce this, Standing Order 50 makes it clear that once a Bill is referred to a Committee, the Committee's only action can be to consider the details of the Bill. So there is no way that his objection can be raised in Committee. And furthermore the Member speaking about the withdrawal of the Bill cannot be made by a motion unless that motion is made by the Member piloting the Bill, that is Standing Order 50.

MR. CHAIRMAN: I should like the debate to return to the section that we are dealing with.

MR. BENSON O. EBANKS: Mr. Chairman, I did not understand the last remark or utterance from the Chair.

MR. CHAIRMAN: I would have that we might be able to return to reconsideration of clause 2 of the Bill.

Is there any further comment on the wording of the amendment that is being proposed to new 22A (1) (b)? Is there any further comment on the amendment that is being proposed to new section 22A (1) (b) by the Honourable First Elected Member for George Town

MR. BENSON O. EBANKS: Yes, Sir. In the event that the House proposes to go through with the amendment, I support the amendment put forward by the First Elected Member for George Town. This was the point which was raised in the second reading that "any person" was too broad a definition within the Bill and it was our contention that it should not be difficult to describe the person or persons that we were seeking to have prohibited from entering licensed premises. We wanted to make sure that actions were not taken to exclude people on frivolous or reasons of colour, class or creed and once the wording of "any person" is abbreviated

MR. DERRIN O. EBANKS (CONTINUING): ...soon to say what is wrong and does not infringe on the points that I just made, I am prepared to support it. I think that the amendment proposed by the Member is a good one. Maybe it could be expanded upon a bit to include some definition of a person who is likely to cause annoyance to patrons or something like that. Because I think that Members know the person that we want to get after in this Bill and it should not be difficult to spell it out.

HON. JAMES M. BODDEN: Mr. Chairman, I do not know if there is any other way that we can define the person that the Member is speaking about. If he has any ideas of how we can define him, I think it would be a good time.....

MR. CHAIRMAN: The Honourable Member is not audible from here.

HON. JAMES M. BODDEN: Mr. Chairman, I do not know if the Honourable Member who spoke last would have any better definition to define the person that he is talking about, because I personally do not know who we are talking about. I think we are talking about people that would cause disturbance in here. I would like to make it plain that I am not opposed, as the Member piloting this Bill, to withdraw it and as far as I am concerned I do not see how we can at this point change it any further. If it does not work we can bring it back for an amendment as we have done with many other laws in this spot.

MISS ANNIE HUDSON BODDEN: Mr. Chairman, I feel that when we are legislating laws, we should make them abundantly clear as to actually what we mean. And I cannot agree that this (b) of paragraph 2(A) is to forbid any person. I think that is really too wide because any person could be anybody and I feel that we should add some definition and describe how this person as entering should be. And I see no better definition than I can think of, although I do not know much about drunk people, Sir - I have never had any encounter with it fortunately, but I feel that we should do something to make the law applicable. I remark, Sir, that we have had trouble in this connection in George Town and which could have ended very seriously and I have been worried that if this Bill goes through as it is there is going to be trouble. I feel that we should, regardless of how much we have to step down on laws as it is right, that we should do everything possible to make our laws so that they can be easily understood and what there can be no doubt in the mind of the Judge or anyone else what is actually meant by the legislation we pass.

Thank you, Sir.

MR. DENSIL O. EBANKS: Mr. Chairman, I think I was invited to offer some clarification on amendment or whatever the Standing Order might suppose and I am prepared to do that. Before I do so I am still saying that I consider the clause unnecessary. I do not think anyone, as I said before, who is known to be, for the use of a better word at this point, a bum, disorderly, a drunk - I do not believe that the Licensee would be using any discrimination when he ensure his premises that he is going there to remain a person or convicted on the virtues of the drinking of alcohol. But I realise that we are outnumbered and I am willing to offer an amendment to that amendment which the Honourable First Elected Member from George Town has offered and I would elaborate on that by saying after the words "or common likely to create a breach of the peace", add "or to cause annoyance to patrons or other users of the premises.".

MR. CHAIRMAN: It has been proposed that the amendment moved by the Honourable First Member for George Town should be further amended by adding the words at the end, "or to cause annoyance to patrons or other users of the premises.".

MR. CHAIRMAN (CONTINUING): The total amendment would now read, "to forbid any person who is drunk or disorderly or conduct likely to create a breach of the peace or to cause annoyance to patrons or other users of the premises.".

The amendment to the amendment is open to debate if Members wish.

HON. D. H. BARWICK: I was just going to make some specific recommendations, Sir, which may help in that later interpretation I have already sounded a warning about the complexities that can arise from amendments made at the Committee stage and I would like perhaps to have a moment if I could just to see if I can suggest a comprehensive wording.

As I understood the suggestion which we have had from the Elected Member for George Town, the amendment is to be made only to paragraph (b) and will come at the end after the word "premises". That is what I took down, Sir.

Adopting as far as I can, the words in the proposal, Sir, I think that we would perhaps be wiser to replace the whole paragraph (b) and begin it by saying, "If it appears to the licensee or his servant as the case may be that any person who is drunk or disorderly or appears to be likely to cause a breach of the peace or to cause annoyance to patrons or other users of the premises he forbid such person from entering those premises.". I think if we do not do it that way, Sir, we will be getting mixed up between persons and he's.

MR. W. NORMAN BODDEN: Mr. Chairman, I have no objection to that, Sir. I think that makes it clearer.

MR. CHAIRMAN: If there is a new amendment to be debated, the alternate way procedurally, if we are now dealing with the Attorney General's proposal, is for both the mover of the original motion and the mover of the first amendment to withdraw, with the leave of the House, their motions and then we can deal with this one as a separate amendment. Otherwise we can vote on the amendment to the amendment of the amendment and then the clause as amended.

MR. W. NORMAN BODDEN: Yes, Mr. Chairman, I agree to withdraw and to present the amendment as read by the Honourable Second Official Member.

MR. BENSON O. EVANS: I agree to the same treatment being given to mine, Sir.

HON. D. H. MARWICK: And I to mine, Sir, too.

MR. CHAIRMAN: Pardon?

HON. D. H. BARWICK: And I to mine too.

MR. CHAIRMAN: I assume that the House has no objection to this. It is simply a means of cutting down the time taken following a rigmarole of procedure.

HON. D. H. BARWICK: May I have the attention of the Serjeant-at-Arms, Sir?

Just put that up to the table.

MR. CHAIRMAN: It has been moved by the Honourable Attorney General that new clause 22A 1(b) be amended by deleting the numeral words and substituting, "If it appears to the licensee or his servant as the case may be that any person is drunk or disorderly or likely to cause a breach of the peace or to cause annoyance to patrons or other users of the premises forbid such person from entering such premises.",

MR. CHAIRMAN (CONTINUING): I will ask the Honourable Attorney General, should there be a "to" before "forbid"?

HON. D. E. BARVICK: I was just wondering if you could read out once again what I had said, Sir?

MR. CHAIRMAN: The wording of the amendment is as follows:

"If it appears to the licensee or his servant at the case may be that any person is drunk or disorderly or likely to cause a breach of the peace or to cause annoyance .....

HON. D. E. BARVICK: I beg your pardon, Sir. I meant the word unjustifiably that is why I asked it to be read....."..... to cause unjustified annoyance.....".

MR. CHAIRMAN: "to cause unjustified annoyance to patrons or other users of the premises or forbid such person from entering such premises.".

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, before "premises" should we not include the word "such licensed premises"?

HON. D. E. BARVICK: It could usefully do so, Sir.

MR. CHAIRMAN: Will the question in that clause 2 be amended as proposed by the Honourable Attorney General.

The motion is open for debate.

HON. NORMAN W. BOLLUM: Mr. Chairman, I am just wondering in an effort to deal with a prosecution who's whole purpose the insertion of the word "unjustified" is really putting it to a stage where it appears that there could be justified annoyance.

Originally when I looked at it this was not in there and if annoyance is caused to other patrons I think annoyance is annoyance and I support it, but I am just looking at the proof of a prosecution. It is not as simple as dealing with a simple matter like a road traffic, or a threat, or assault, or something of that sort. Here you would have to show 1) an annoyance, and 2) to show it is unjustified or alternatively a defence of justified would be raised.

HON. D. E. BARVICK: Experience has taught me, Sir, always to warrant the views of my colleague on this bench and who in another place is my learned friend. I wonder if perhaps he feels his point might be adequately dealt with by the fact that the earlier part of the new provision makes the decision solely for the licensee or his servant who has an absolute discretion in the matter. I think those words would, to a large extent, remove the fear that he has from any practical effect, but I am quite happy to leave the thing to the House, Sir.

HON. NORMAN W. BOLLUM: Mr. Chairman, I suggest my colleague's views and mine prosecutions are under him. If he is satisfied that it is sufficiently tight that when a case is brought it can be dealt with without any problems under that section then so be it and I am happy with it in that instance.

MR. CHAIRMAN: If there are no further speakers I will put the question that clause 2 be amended as read out and as moved by the Honourable Attorney General.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: A Law to amend the Liquor Licensing Act, 1974.

MR. CHAIRMAN: The question is that the title do stand part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of the Liquor Licensing (Amendment) Law, 1981.

I will adjourn proceedings from Committee until 2:20 this afternoon when we resume in Committee.

HOUSE SUSPENDED

*HOUSE RESUMED AT 2:40 P.M.*

MR. PRESIDENT: We move over to the Wreck and Salvage (Amendment) Law, 1981.

## THE WRECK AND SALVAGE (AMENDMENT) LAW, 1981

### COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF WRECK AND SALVAGE LAW (REVISED).

MR. CHAIRMAN: The question is that Clause 2 do stand part of the bill.

HON. O. HAIG BODDEN: Mr. Chairman, an amendment has been circulated to Clause 2. This amendment is intended to describe wrecks or hulks, so that there will be no doubt as to whether a wreck is a wreck regardless of what has caused the existence of the wreck hulk, and or the amendment will occur in two places but the amendment is both cases is identical. And the first place it appears is in the new section 38A (1) line 3 after the word "land", and it will read, "and whether they become wrecks or hulks, as the case may be, by reason of any Act of God", and the same words will be inserted in Section 38C (1) line three after the word "hulk". And I would like to move that these amendments be made as they were circulated.

MR. CHAIRMAN: The question is that Clause 2 be amended by amending new section 38A (1) by adding on line two after the word - sorry, I think it is (1) (a) .....

HON. DAVID R. DARNICK: The amendment is to the new 38A sub-section (1).

MR. CHAIRMAN: By adding after the word "land", "and whether they become wrecks or hulks as the case may be, by reason of any Act of God, navigational error or otherwise howsoever". The motion is open for debate.

MR. BENSON O. EBANKS: Mr. Chairman, sub-section (3) of this section, that is 38A.

MR. CHAIRMAN: I think we should debate the amendment before we move on to sub-section (3).

MR. BENSON O. EBANKS: I thought the question had been put on that.

MR. CHAIRMAN: If there is no debate on the amendment I will put the question that Clause 2 be amended as read out and as circulated with the notice of amendment by adding the words as read out after the word "land" in line 2 of the new section 38A (1).

QUESTION PUT: AGREED.

MR. CHAIRMAN: The question now is, that Clause 2 as amended stand part of the bill.

MR. BENSON O. EBANKS: Mr. Chairman, sub-section (3) of the proposed amendment states that "this does not affect the power of the Port Authority of the Cayman Islands or the Port Director, under the Port Authority Law, relating to wrecks". And Section 3 of the bill before us seeks to eliminate the Port Director as being Receiver of Wrecks under the Port Authority Law, and I must admit that I did not spend a lot of time on this particular bill, but in my quick reference to the Port Authority Law I am afraid I was unable to find any authority or power that the Port Authority or the Port Director would have if he was not the Receiver of Wrecks? I am wondering if my attention could be drawn to that.

HON. C. HAIG BODDEN: This, Mr. Chairman, this section 8 is taking out an unnecessary provision in the Port Authority Law, since the Receiver of Wrecks is appointed under the Wreck and Salvage Law, provision is made there for the Governor to appoint a Receiver of Wrecks, so it is correcting an anomaly that existed or something that seemed to have superfluous in the Port Authority Law.

MR. BENSON O. EBANKS: Section 37

HON. C. HAIG BODDEN: And the other part of the Bill, which is 38A (2) says that "the section does not affect the power of the Port Authority or the Port Director, under the Port Authority Law, relating to wrecks". In other words, the Receiver of Wrecks or the Port Director has other powers relating to wrecks other than the disposal in this form, so those other powers are not interfered with and will not be affected by this amendment.

MR. BENSON O. EBANKS: Yes, but my point is, that sub-section (3) of Clause 8 indicates that once the Port Director is not appointed or is not automatically the Receiver of Wrecks that he has residual power under the Port Authority Law in respect of wrecks. And I am saying that my limited research that I have done has not revealed where he would have any residual powers under the Port Authority Law to deal with wrecks. And my question is, could I be directed in the Port Authority Law to where these residual powers exist?

HON. C. HAIG BODDEN: Mr. Chairman, I do not know anything about residual powers of the Director of the Port Authority. I see this as a simple amendment which only states that we are deleting from the Port Authority Law the power to automatically appoint the Port Director as the Receiver of Wrecks, because this seems to have been put in in error when the Port Authority Law was made some years ago. The Governor has the power to appoint a Receiver of Wrecks under the Wreck and Salvage Law, and once appointed under that Law, well, the Receiver of Wrecks would have any power. But it is not absolutely necessary for the Director of the Port to be the Receiver of Wrecks, at the present time that is the case, but under the Wreck and Salvage Law the Governor could appoint anybody else as the Receiver of Wrecks, but the person that would seem to be the most suitable is the Port Director and that appointment can be made under the Wreck and Salvage Law. And once a provision is in that it is not necessary for the Port Authority Law to say that the Director is also the Receiver of Wrecks.

And the other amendment is simply saying that now we are giving to the Port Director the power to dispose with wrecks, but this giving of the power to the Director to dispose of the wreck does not affect any other powers, powers residual powers or whatever they are which the Port Director may have had from the Port Authority Law. So, it simply is meant clear to me, but if you confuse it with types of powers which are not mentioned in the Law, then I am afraid even the Director would be confused.

MR. BENSON O. EBANKS: Mr. Chairman, my question is a simple one. If under the Wreck and Salvage Law you appointed a person other than the Port Director as a Receiver of Wrecks, would the Port Director then under the Port Authority Law have any functions in regard to wrecks as this section implies? And it was not me who brain-mingled the two Laws, it is this amendment that does it.

Mr. Chairman, may be I could help the Member.

HON. C. HAIG BODDEN: Mr. Chairman, may be he can help himself. I am satisfied that the section as set out here is absolutely clear.

MR. BENSON O. EBANKS: Well then, Mr. Chairman, I would want my question answered.

HON. C. RAIS BODDEN: Mr. Chairman, I would suggest that he answer it himself, I have on two occasions given an explanation on both sections and I would suggest that he answer the question himself.

MR. DENSON O. EBANKS: Mr. Chairman, his answers were as clear as mud.

MR. CHAIRMAN: If there is no further debate .....

MR. DENSON O. EBANKS: Mr. Chairman, if the only explanation to my question is the one which the Member has given, the proposed amendment is nonsense. Nevertheless, I thought that there might have been some good reasons for the amendment since the Member did not make it. And in searching the law further I find where the Port Authority does have residual powers under the Port Authority Law, and in respect of wrecks, and it is in Section 6 (f), that was what I was asking to be directed to, and he did not seem to understand the question.

HON. C. RAIS BODDEN: Mr. Chairman, we are just trying now to correct a mistake made by one of the draftsmen of the Port Authority Law, who is the Member that is now attempting to convince himself that his mistake was not a mistake.

MR. CHAIRMAN: I will put the question that Clause 2 as amended stand part of the bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: CLAUSE 3. AMENDMENT TO LAW 15 OF 1970.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A LAW TO AMEND THE WRECK AND SALVAGE LAW (REVISED).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes examination of the Wreck and Salvage (Amendment) Law, 1981. We then went on a bill intituled "The Housing Development Corporation Law, 1981".

## THE HOUSING DEVELOPMENT CORPORATION LAW, 1981

### COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. ESTABLISHMENT OF THE CORPORATION.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. CONSTITUTION OF THE CORPORATION.

QUESTION PUT:

MR. DENSON O. EBANKS: Mr. Chairman, the question of Section 4 sub-section (1) will need an amendment as to the minimum number of members, or unless the intention is to offer an amendment to the section dealing with the quorum later on, because there is no way that the quorum can be met out of the minimum of five set in this section.

HON. JAMES M. BODDEN: Mr. Chairman, in Section 7 (5) I am proposing to make an amendment to cover that when we come to that, Sir.

MR. CHAIRMAN: I am sorry, the Member's voice is inaudible.

HON. JAMES M. BODDEN: Under Section 6(1) the Member was raising a point there, Sir, and I am proposing to amend that when I come to Section 7(6) and leave it in Section 6 as it is now.

MR. CHAIRMAN: The Member has said that he will be posing an amendment later on.

MR. BENSON O. EBANKS: That is acceptable, Mr. Chairman.

MR. CHAIRMAN: I will put the question .....

MR. BENSON O. EBANKS: But, Mr. Chairman, sub-section (2), dealing with the appointment of members, 'Every member shall be appointed by the Governor for such period not exceeding three years, as the Governor may direct and shall, on ceasing to be a member be eligible for re-appointment: Provided that -', if I read the provision clauses correctly, there is nothing there that says that a member who has ceased to be a member for reasons other than the expiration of the time for which he has been appointed cannot be re-appointed. What I am saying is if you found it necessary to terminate the appointment of a member for some malfeasance or whatever, it appears that the power is being left that that member could be re-appointed again. I am sure that this section is intended merely for the person who has served three years or his term of appointment to be eligible for re-appointment.

HON. TRUMAN M. BODDEN: Mr. Chairman, this is usual in this type of law and it is also found in the companies articles.

MR. BENSON O. EBANKS: I am not sure what is usual, Mr. Chairman, but I am saying that I think it should be abundantly clear that any member who ceases to be a member other than through the expiration of his appointed period is not eligible for re-appointment, that is, if he has been dismissed, if he resigned it is different. I know that normally he would not be re-appointed, but there is no limitation and it could be on the Legislature this law for posterity, and the member could be appointed three or four years hence when the persons who are recommending the appointment might not even know the reason for which he ceased to be a member some years previously if they have knowledge that he was a member.

HON. G. HAIG BODDEN: Mr. Chairman, the section simply says that somebody who has served on the board or on the authority would be eligible for re-election, but if the person had committed some act which would, in the opinion of the Governor, not make him suitable, he need not be appointed. In other words, while he is eligible he would not be eligible and he would not be appointed, it is just like the membership in the House. A member is qualified to be a member of this House, but if certain other things exist, although he is qualified to be a member he is disqualified from being a member, and it is the same case here, where a person is eligible to be appointed but because of certain other reasons he would not be eligible to be appointed, the same thing applies to members of Executive Council. A member is qualified to be a member of Executive Council, but for certain reasons he might be disqualified to be a member, and the same thing exists in the Election Law. A person is eligible to vote, but for certain reasons he is not eligible to vote, and you can go through all these main statutes or laws and you find the same thing. A person for a British Subject he is qualified to vote, but for certain other reasons he might be disqualified from voting; a person is 21 and he is qualified to vote, but for certain other reasons he is not qualified. So all this is saying is that a person

HON. G. MAX BOUCK (CONTINUING): that served is eligible to be re-appointed; on the other hand there may be reasons as you state, where he is not eligible to be appointed, and there is nothing wrong with that may it be written.

MR. BENSON C. EBANKS: Mr. Chairman, I think the member is proving my point. All I am saying is that in my humble opinion there should be a proviso in here stipulating that a person who may be qualified in all other respects to be a member, but was discharged from his post by the Governor for reasons that he thought expedient, that is being one of malfeasance or whatever, is not eligible for re-appointment.

HON. JAMES M. BODDEN: Mr. Chairman, it is hard to imagine that the Governor or the Governor in Council, whichever it may be that would apply, would appoint somebody as a member who they had already discharged for a malfeasance. I think we have to give the Government more credit than that, Sir.

MR. BENSON C. EBANKS: Mr. Chairman, I thought I had made it clear that this Law is for posterity, and after 1984, who knows who the Governor will, for example, after 1984 who knows what the composition of Executive Council is going to be? Certain Members of Executive Council might not even have known what the disqualification was, and I am saying it should be put down here just as it is in the Election Law that my friend referred to and in all other laws that he referred to.

HON. JAMES M. BODDEN: The record of Government, Sir, go down for posterity and they can easily be checked fifty years hence.

MR. BENSON C. EBANKS: We listen to some debates, Mr. Chairman, one wonders if that is true.

HON. JAMES M. BODDEN: That is why we had so many mistakes to correct after 1976, Mr. Chairman.

MR. CHAIRMAN: I will put the question on Clause 4.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. SEAL OF THE CORPORATION.

QUESTION PUT:

MR. BENSON C. EBANKS: Mr. Chairman, on Section 5 sub-section (1) I do not see the necessity for having the presence of a member at the sealing of a document or instrument. I think the Chairman and the General Manager are sufficient, as it seems to indicate that this has been accepted under sub-section (2) as sufficient proof. In other words, there is no indication that there has to be any proof that the member was even present in a court of law. And it seems as though it is just a case of making a member unnecessarily.

HON. TRUMAN M. BODDEN: Mr. Chairman, this mention is the same as section 8 (3) of the Port Authority Law, where it says, "the seal shall be authenticated by the Chairman and one of the members authorised by the Authority in that behalf", word for word. And it is quite usual in a company to have the seal affixing in the presence of two people.

MR. BENSON C. EBANKS: Mr. Chairman, this says, three, that is my point. It says "in the presence of the Chairman, one other member and the General Manager", three persons.

HON. TRUMAN M. BODDEN: Mr. Chairman, all I can assure the Member is that there are safety in numbers.

MR. CHAIRMAN: If there is no further debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. SERVICE OF NOTICE, ETC.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. PROCEDURE AND MEETINGS OF THE CORPORATION.

QUESTION PUT:

HON. JAMES W. BODDEN: Mr. Chairman, I have to propose an amendment there, and it would be in Section 7 (5) where the word "five" would be changed to "four". And I think in the green copy that has been circulated, which is a bit different from the white copy, that Section 7 (4) was left out and would have to be put in, and Section 7 (4) reads:- "The Chairman or in his absence any member designated in writing by the Member shall preside at all meetings of the Corporation".

MR. CHAIRMAN: The question is that Clause 7 be amended by substituting the word "four" for the word "five" under Clause 7 (5), and by inserting sub-clause(4)to read as follows:- "The Chairman or in his absence any member designated in writing by the Member shall preside at all meetings of the Corporation".

HON. DAVID F. DARWICK: There is a spelling mistake in my copy, Sir, in sub section (7), the second word in the third line should read "confirmed".

MR. CHAIRMAN: That amendment I think can be made at the table. It is only a spelling error, so that can be corrected.

Is there any debate on these two amendments? If not, I will put the question that Clause 7 be amended as proposed by the mover of this bill, that is in sub-clauses (4) and (5).

QUESTION PUT: AGREED.

MR. CHAIRMAN: We now take the question that Clause 7 as amended do stand part of the bill.

HON. BENSON O. PRAWN: Mr. Chairman, I have two questions or, yes, two however one has been corrected. I have two points on this section, the first one relates to sub-section (8) and I would like to be enlightened as to why the provision is there that "The Chairman shall call a special meeting of the Corporation if directed by the Member so to do". As I see the bill the directions to the corporation are given under section 16 sub-section (1). and I would like to be enlightened on the reason for this provision.

Sub-section (4), which is the sub-section that is put in as an amendment, provides that the Chairman or in his absence any member designated in writing by the Member shall preside at all meetings of the Corporation. It is customary in organisations and companies that when the substantive Chairman is absent those present forming a quorum choose one from among their number to act as Chairman. Furthermore, if the substantive Chairman is appointed by the Governor, which is done under sub-section (3) of Section 4 why is the acting Chairman, who might be the Chairman of the meeting called by the Member, why should he be appointed by the Member?

HON. JAMES W. BODDEN: Mr. Chairman, this is really not a question and answer period, but I will try to enlighten the Member as much as I can and lead him out of blindness. In many cases it is usual and expedient to have the Member who is in charge and responsible for the Board able to monitor the activities of the Board, because he is responsible and has to report to the Assembly and to the people.

HON. JAMES M. MINNIS (CONTINUING): Your next point. If you remember correctly, I think you should, because I think you were one of the members of that Bill, the old Education Bill had a similar section into it where the Member or the Chairman presiding at a meeting of the Board of Education it would make it illegal if that Member had not been appointed in writing by the Governor. We are only trying to get away from this because it would be ridiculous for Education Council to have to re-appoint every time it was necessary for the Board to take an action, and we are only putting into this what we should put to designate who will be the Chairman so that there will be no case of the Members polling votes and getting confused among themselves if they had a Member who really could not implement the Bill.

MR. DENSON O. EBANKS: Mr. Chairman, I do not see the relevancy of the old Education Law to this one, if there was an error in the old Education Law it should not be compounded in this one and there are other provisions in the law where the Member can monitor the activities of the proposed corporation. In fact, you can call for accounts and statements and the rest of it. To me that does not answer the question, it certainly does not encourage funding to spill a mastiff to know any trivial matter performed by the corporation, because the General Manager has powers, and I am saying this is no customary for Members to have one of their own, chose one of their own, if it is a temporary thing and if it is intended to be for some period, since the Governor is going to appoint the substantive chairman, well, then, if it is considered necessary to have an appointment made from outside the membership I do not see why it is not done by the Governor in Council.

HON. JAMES M. RODPEN: Mr. Chairman, I am afraid my life-span does not permit me the time to further clarify this in the mind of the Member and I am not prepared at this point to make any modification to it, because I think we would only be diluting it further.

MR. DENSON O. EBANKS: In that case, Mr. Chairman, I am formally moving that sub-section (3) of this section 7 be deleted and that sub-section (4) where "Member" appears after the word "the", that is by "the Member" that "Governor" be substituted for Member.

MR. CHAIRMAN: It has been moved that sub-clause (3) of clause 7 be deleted and in sub-clause (4) the word "Governor" be substituted for the word "Member" in the second line.

HON. D.A. DARNICK: Mr. Chairman, Sir, I would like to make what I am sure is an unbiased comment on the proposal put before the House. I think it is essential that the Chairman be obliged if the Member responsible to the Government, to the Executive Council, and through them to this House and to the people of the country, required the corporation to consider a particular matter that that corporation should do so and that it should not be in the power of the Chairman to see that that matter was either delayed or not discussed at all. This is not an unusual provision in matters of this sort, Sir, and it is designed to make sure that the control of important matters remains in public hands.

Speaking to the second of the two proposals the reason has been quite satisfactorily given, that is why I did not speak up before, that the Chairmanship of this corporation is going to be a very important matter and it is a matter which the Government should be responsible for at all times, through the Member, it is the Governor that appoints the Chairman, and it should be the Governor that appoints somebody to act in

HON.D.E.BARWICK (CONTINUING): his place during his absence.

(MR.BENSON O.EBANKS: He supported that point.)

MR.CHAIRMAN: Any further debate on the amendment? I will put the question that clause 7 be amended by the deletion of sub-section (3)and the amendment to the sub-clause (4) by substituting the word "Governor" for the word 'Member". Those in favour please say Aye. Those against No.

SOME MEMBERS: AYE
SOME MEMBERS: NO.

MR.CHAIRMAN: I think the noes have it.

MR. BENSON O.EBANKS: May we have a division, Sir?

D I V I S I O N

| NOES | AYES |
|---|---|
| HON.D.E.BARWICK | MR.BENSON EBANKS |
| | MR.NORMAN BODDEN |
| HON. JOHN McLEAN | MISS ANNIE R.BODDEN |
| HON.TRUMAN BODDEN | CAPT. CHARLES KIRKCONNELL |
| MRS M.BODDEN | CAPT. HARRY KIRKCONNELL |
| HON. G.HAIG BODDEN | |
| MR.CARSTON SMITH | |
| 6 | 5 |

MR.CHAIRMAN: The result of the division is 5 voices for and 6 voices against, the motion is defeated. I will now put the question that the clause 7 stand part of the bill.

AYES AND NOES.

MR.CHAIRMAN: I think the Ayes have it.

CLAUSE 7 as AMENDED PREVIOUSLY APPROVED.

CLERK: Clause 8 - Disclosure of interest and abstaining from voting.

QUESTION PUT: CLAUSE 8 PASSED

CLERK: CLAUSE 9: Appointment of committee.

QUESTION PUT: CLAUSE 9 PASSED

CLERK: CLAUSE 10: Power to delegate

QUESTION PROPOSED:

CAPT. CHARLES KIRKCONNELL: Mr.Chairman, this power of delegation has limitless power and I think it should be curtailed. I think it should be delated, I should have used the word delated.

HON.G.HAIG BODDEN: Mr.Chairman, I cannot see how the authority could function if it could not delegate certain duties to its members or to a committee, for example, suppose the Housing Authority was trying to locate lands or look at contracts for construction, it might be necessary

HON. G. HAIG BODDEN (CONTINUING): for the authority to hand this over to a committee of the Members of the Authority or to one or two people, it would not be necessary for the whole Authority to work on a single phase of its operations. So I think there has to be a section under which the Authority can delegate certain duties to committees or Members.

MR. BENSON O. EBANKS: Mr. Chairman, if the Member has completed his submission, I would respectfully call his attention to the clause which we just passed and to which we raised no objection, that is, 9 sub-section (1) and (3), (3) and (4): that provision for the type of operation that he is referring to where the corporation may appoint committees to make studies and so on on its behalf and these are powers that are normally given to a corporation, but it seems funny to me that in section 8 (1) the corporation will not even agree that the seal can be put on in the presence of its Chairman and General Manager or it must have one member, and here it seeks to delegate limitless powers to any Member.

I agree with the Member who raised this point and certainly this clause is not intended for the purpose which the Honourable Fourth Elected Member to Executive Council has directed our attention.

HON. JAMES M. BODDEN: Mr. Chairman, I have, I think what will be one amendment to 10, it is a minor one in the green paper that has been circulated. I think it has "power of delegate" and it should be "power to delegate" in the white paper. That is the only amendment I am proposing, Sir.

Mr. CHAIRMAN: I think that can be made at the table, it is a printer's error.

MR. BENSON O. EBANKS: Mr. Chairman, if the Member is not prepared to do it, I want to formally move an amendment to section 10 that the words "any Member" as they appear at the beginning of the second line, be deleted.

MR. CHAIRMAN: It has been proposed that clause 10 be amended by the deletion of the words "any Member" in line 2.

MR. BENSON O. EBANKS: Mr. Chairman, it would have to be "any Member of" and the word "a" substituted. In other words, the clause would then read "Subject to the provisions of this Law, the corporation may delegate to a committee of" the corporation".

MR. CHAIRMAN: I will put the question on the amendment - that clause 10 be amended by deleting the words "any Member of" in the second line and inserting the word "a". Those in favour of the amendment, please say aye, those against no

SOME MEMBERS: AYE
SOME MEMBERS: NO

MR. CHAIRMAN: I think the ayes have it. I think the ayes have it, I am sorry.

MR. BENSON O. WHANNEL: Could we have a division on that, Sir?

D I V I S I O N

| NOES | AYES |
|---|---|
| HON. D.R. DARWICK | MR. BENSON WHANNEL |
| HON. V.G. JOHNSON | MR. MORGAN DOBSON |
| HON. JOSE McLEAN | MISS ANNIE E. BODDEN |
| HON. TRUMAN BODDEN | CAPT. CHARLES KIRKCONNELL |
| HON. JAMES M. BODDEN | CAPT. MARIE KIRKCONNELL |
| HON. G. HALD BODDEN | |
| MR. CARSTON SMITH | |
| 7 | 5 |

MR. CHAIRMAN: The results of the division are 5 voices for and 7 against, the amendment to Clause 10 is defeated.

I will now put the question on clause 10 as it stands, will those in favour please say aye, those against no.

SOME MEMBERS: AYE
SOME MEMBERS NO

MR. CHAIRMAN: I think the ayes have it.

CLERK: CLAUSE 11 Remuneration of Members.

QUESTION PROPOSED

MISS ANNIE E. BODDEN: Section 11 - "there shall be paid from the funds of the corporation to members who are not public officers such, if any, remuneration, fees or allowances as the Governor may determine from time to time". Mr. Chairman, I feel that that should say monthly, yearly, or something of the sort. As it is it is wide and I wonder where these funds will come from, but I suppose they will eventually arrive, but I feel that some scale or something should be put there, not just left wide open, you could pay anything and everybody now in the Cayman Islands, Sir, with the exception of a limited few, are out for money.

HON. JAMES M. BODDEN: Mr. Chairman, I do think that it is unfair statement to make because we have a lot of people serving on public boards that are willing to give of their time without looking for remuneration and I think it would be very difficult for us to set remuneration at this time, particularly in this part of the bill, because we do not know whether we are talking about them working or spending time on the committee for one hour or two hours or what it may be, and if you go back again, if I have to quote back to the present Port Authority Law, section 4 (b), it is identical to what it is here and I do not think it is misused there and I do not think it will be misused in this way. I do have higher regards for the people of the Cayman Islands than that, Sir.

HON. V.G. JOHNSON: Mr. Chairman, would I just remind members that all members of committees at the present time who are not public officers are paid an allowance to serve

HON. V.C. JOHNSON (CONTINUING): on committees.

MR. BENSON O. EBANKS: Mr. Chairman, is that not a fixed sum, in other words, are not members of all committees paid a like amount? I think that is what the Honourable Member is getting at.

HON. V.C. JOHNSON: Mr. Chairman, yes, a fixed allowance is paid to members of all boards.

MR. BENSON O. EBANKS: And Mr. Chairman, could we be advised how that is fixed and when it is fixed?

HON. V.C. JOHNSON: Mr. Chairman, the allowance is fixed from time to time when there is a vote for increasing such allowances.

MISS ANNIE H. BODDEN: Mr. Chairman, speaking on fair comment. I have had that all my life and more especially in this spectrum and I am not trying to belittle people, I am only saying the usual trend is to get money and not very many people are happy to go to serve Government or anyone else for $16 a day.

HON. O. HAIG BODDEN: Mr. Chairman, the section mentioned in the Port Authority Law which is now the same as the one in this bill before us, the Port Authority Law says section 3 (5) "The members of the Authority who are not Civil Servants shall be paid such emoluments as may be determined by the Governor from time to time" and at least one Member on the other side was an architect of that law and this says :"there shall be paid from the funds of the corporation to Members who are not public officers"(the only difference the Port Authority Law says "civil servants")- "such, if any remuneration, fees or allowances as the Governor may determine from time to time". So both sections are identical, it says the Members shall be paid what the Governor determines.

I do not know how it could be good in 1976 or 1978 and change now, may be it is not the same Governor, I mean Governor in Council.

MR. BENSON O. EBANKS: Mr. Chairman, I did not object to the provisions, I merely solicited or elicited answers from the Financial Secretary, which made the point clear that these members would be remaining the same amount as is commonly paid to other Members.

It is really astonishing to me how so much bad work was done prior to 1978 and yet they are using the model of that law to get one in now, that must have been a fairly good law.

MR. CHAIRMAN: I will put the question on clause 11, those in favour please say aye, those against no.

The ayes have it.

CLAUSE 11 PASSED

HOUSE SUSPENDED

MR. CHAIRMAN: Proceedings are resumed.

HON. V.C. JOHNSON: Mr. Chairman, the question of adjournment this evening has been under discussion by the Honourable Members. I wonder whether some definite decision could be taken now, as I could get home this afternoon if the House adjourns at the usual time.

MR. CHAIRMAN: I wonder if we could not consider this at 5:30 which is the normal time of interruption, if that is not too late?

If there is no objection, we will proceed with the clauses of the Bill until 5:30 when we can discuss whether to suspend Standing Orders as we did yesterday or whatever alternatives are open to us.

CLERK: CLAUSE 12: Appointment of General Manager.

QUESTION PROPOSED

MR. BENSON O. EDANKS: Mr. Chairman, section 12, sub-section (1) states that the corporation shall at such salary and upon such terms and conditions of service as it may determine and with the prior approval of the Governor, appoint a General Manager.

Sub-section (2) makes the General Manager the chief executive officer of the corporation.

Sub-section (3) deals with the appointment of an acting General Manager and that section reads that in the event of the absence of the General Manager the corporation may by instrument in writing and with the prior approval of the Minister appoint any person to act as General Manager, ( my copy has General Member, but surely that means General Manager), during the period of such absence upon such terms and conditions as it may determine. The person so appointed may exercise all the powers and all the duties by this law exercisable or to be performed by the General Manager, as many of such powers and duties as may be specified in such instrument.

Mr. Chairman, it seems a bit irregular and strange that since the General Manager's appointment in the first instance is with the prior approval of the Governor, meaning the Governor in Executive Council, his salary and terms of conditions must be approved by the Governor in Executive Council, that under sub-section (3) the corporation could appoint an acting General Manager with the approval of the Minister. There is no limitation on the time of such an appointment and irrespective of the argument about having to return to Executive Council, I am saying that it is unreasonable that an acting General Manager that his terms of appointment should be fixed by the corporation with the approval of the Minister. I think that the Bill should be consistent and that the Acting General Manager's appointment should be on the same terms and with the same authority as the appointment of the General Manager.

This acting position could be, as I said, indefinite and if it is thought fit to have the Governor in Council appoint the General Manager it is my submission that the appointment of the acting General Manager should be with the approval of the Governor in Council or at least it should be stipulated that his terms of appointment could be no more favourable than those of the appointment of the General Manager.

MR. BENSON O. EVANS (CONTINUING) that is my submission and if I get support for this and which I am sure I am, I am sure that the Members of Government will even agree to this and I hope that they are going to offer the amendment, but if not I will offer a formal amendment in due course.

CAPT. CHARLES KIRKCONNELL: Mr.Chairman, I concur with what the Third Elected Member from West Bay has just said. I see this as a very small amendment but this will make this Bill consistent and I cannot see any reason why there should be any objection from the Government Bench to this minor amendment. As I said it will make the Bill consistent. I hope that they will see reason and see the logic in such an amendment.

MISS ANNIE B. BODDEN: Mr.Chairman, I too, agree that we should make our laws consistent. We should not have one section saying one thing and another saying something different when they relate to the same subject and I feel that it is very reasonable that this should be amended, as requested.

MR. CHAIRMAN: Are there any other speakers to this clause? I will put the question.

MR. BENSON O. EVANS: Mr.Chairman, I beg to formally move an amendment that "Member" at the beginning of the third line of sub-section (2) of this section be deleted and substituted by the word "Governor", which means, of course, Governor in Council. And, Mr.Chairman, .....that amendment would cover my point, purely by deleting "Member" and substituting it with "Governor".

MR. CHAIRMAN: The question is that clause 12 be amended by deleting the word "Member" in sub-clause (3), the third line and substituting therefor the word "Governor". If there is no further debate I will question the question that clause 12 be so amended.

AYES AND NOES.

MR. CHAIRMAN: I think the Noes have it. The question now is that clause 12 do stand part of the bill.

MR. BENSON O. EVANS: Could we have a division on that last vote, Sir?

HON. TRUMAN M. BODDEN: Mr.Chairman, we have actually moved on from that amendment, it has been defeated and the present motion before the House is on the present section, so I think that from a procedural point of view he cannot now raise the question of a division on that original motion because we are now on the motion on the substantive section amended. I think the Member must know what the division.....

MR. CHAIRMAN: I think it is proper to ask for a division after the voting has taken place.

DIVISION

| NOES | AYES |
|---|---|
| HON.D.H.DAWSON | MR.HANSON G.GRAVES |
| HON.V.C.JOHNSON | MR.NORMAN BOSDEN |
| HON. JOHN NOLAN | MISS ANNIE E.BOSDEN |
| HON.THOMAS BOSDEN | CAPT. CHARLES MACDONNELL |
| HON.JAMES BOSDEN | CAPT. MARY MACDONNELL |
| HON.G.ELLIS BOSDEN | |
| MR.CARSTON SMITH | |

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MR.CHAIRMAN: The results of the division are 6 voices for and 4 against, and therefore the motion to amend is defeated.'

I will put the question on Clause 12

AYES AND NOES.

MR.CHAIRMAN: I think the Ayes have it.

CLAUSE 12 PASSED

MOMENT OF INTERRUPTION

HON.D.H.DAWSON: According to my watch, Mr.Chairman, it is now almost time for you to resume the chair of the House and for the normal adjournment motion to be taken under Standing Order 20. The disposal of the business before the House is the concern of each and every one of us and I have not been able to learn or to consult with all other Members on this issue but purely to enable this House to consider how the business may be best expedited, I rise, Sir, to move a motion under Standing Order 81 to the effect that Standing Order 10 (3) be suspended to enable the business of the House to continue until 8 p.m. or until the disposal of the business on the Order Paper, whichever be the sooner.

MR.CHAIRMAN: It has been moved as we did yesterday, under Standing Order 81 that Standing Order 10 (3) which requires that proceedings terminate at 4.30 be suspended and that we should agree to continue proceedings until the business of the House on the order paper has been disposed of or until 8 p.m. whichever is the earlier.

MISS ANNIE E.BOSDEN: Mr.Chairman, I must frankly admit after sunset I am not prepared to stay here. I am quite prepared to go on until 5 o'clock but not after that and I regret that I cannot agree to stay here until 8 o'clock.

CAPT.CHARLES MACDONNELL: Mr.Chairman, I think that 5 o'clock is a reasonable hour. I consider 5 o'clock unreasonable.

MR.HANSON G.GRAVES: Mr.Chairman, I submit that the extension of the sitting of the House is done only for reasonable periods and 5 o'clock as we did yesterday and the day before is not an unreasonable time, but I doubt very much that even if we went on until 8 o'clock we would finish the business on the Order Paper and I think that the extension of this Order is only intended to allow the completion of a clause or something of this nature and not for indefinite periods. The stipulation of definite times of sitting in the House is not because Members of this honourable House belong to any union that would

MR. BRINSON C. STANKO: (CONTINUING): not work after 4.30 but because once they are published, it is known by the general public the normal time of sitting and to extend it to an unreasonable length of time as 6 o'clock, would, in my opinion, be really flouting Standing Orders. I know that we can suspend the Standing Orders but this should only be done in rare circumstances and in cases and circumstances when the business before the House can be completed in a reasonable time.

Particularly in light of submissions which I made this morning in respect of the gazetting of this bill I feel that we should not go on for too long a period on it and therefore I would support a motion to go to 5 o'clock but not until 6.

HON. JAMES M. DODDER: Mr. Chairman, I do not see how any one can say that 5 o'clock is unreasonable. For us to sit here and debate this and consider actually if to 5 o'clock would probably only give us additional 20 minutes in which to work. The House has only been in session for about 4 and a half to five hours a day and we are over here now and the business is before the House and I can see no reason why we cannot spare a couple of hours more to get through with as much work as we can, so that we will not have to carry a lot of unfinished business back to another meeting of the House. I do not at all consider it unreasonable in the house because staying here until 6 o'clock would mean only 2 hours more so I do not see why anyone objects to that.

MR. NORMAN SOPPER: Mr. Chairman, I am willing to remain until 5 or will but after that I regret I am unable to stay.

HON. TRUMAN BODDEN: Mr. Chairman, it is very interesting that in May's Parliamentary Practice, the 18th Edition, on page 414, on this point, it states and I will just read part " the amount of time provided under the terms of Standing Orders number 1 and 5 is invariably insufficient to enable the House to deal with all the business which falls to be considered during the session ..... By far the most important of these standing orders is Standing Order No. 3, which provides that certain categories of business should be automatically exempted from the provisions of Standing Order No.1, thus enabling the House to discuss them after the moment of interruption at ten o'clock". It goes on in relation to a Minister, then it says "Great use has been made of the provisions of Standing Order no.3 by all Governments in recent times". It is by no means unusual, their hours are not only longer, but you know, this is a provision that is usual and it is used often, many, many times, so I am prepared to go on, and in any event the motion is such that it is until 6 or the conclusion of business, whichever be the earlier, so it may well be that, you know, I would assume we probably would finish long before that time, but there are two perimeters and any of those is the operative one.

MR. BRINSON C. STANKO: I understood the submission of the last Member to refer to a session and not to a meeting or sitting of the House, which is an entirely different matter and I could see why they would make use of the powers often under the extension at the conclusion of a session.

HON. TRUMAN BODDEN: Mr. Chairman, the heading of this is "Methods of Prolonging sittings", in any event it is not a question of interrupting sessions at ten., this is a daily thing that is interrupting sittings, so I assure you it is relevant.

MR. DENZOE O. EDWARDS: In what you read, you read sessions.

CAPT. CHARLES KINSCOMBLE: The hours that the House of Parliament do they not start at 2.30 p.m.?

MR. CHAIRMAN: The Clerk informs me except on Fridays, but they go through until 10 o'clock at night.

The hours of sitting of the House of Commons, I understand from the Clerk, commence at 2.30 daily and I believe terminate at 10 p.m. except on Fridays.

CAPT. CHARLES KINSCOMBLE: Precisely, ours starts at 10 a.m. and that is from 10 until 2, that is quite a number of hours. If I have calculated right, we have put in 7 and a half hours here, or they are putting in 7 and a half hours as opposed to our 7 hours, and when I said unreasonable, I think that I am within my bounds to say that to stay here until 8 o'clock tonight is unreasonable.

HON. G. HAIG BODDEN: Mr. Chairman, it seems to me that we have two choices, either stay and finish the business this evening or come back tomorrow morning at 10 o'clock, as it is up to the Members to decide whether they want to put in an extra day tomorrow or finish this evening. I am in favour of finishing this evening, but it does not matter, I have come prepared to stay until Sunday.

HON. JAMES M. BODDEN: Mr. Chairman, considering the hours in the House of Commons, it is from 2.30 until 10 o'clock and they can then go on sometimes after mid-night. We start at 10, close out here usually at 12.30, come back at 2.30 and go on until 6.30, that is giving us 4 and a half hours, compared to their seven and a half. If we sit another 3 hours today and keep on until 8 o'clock I do not think it is unreasonable.

Mr. Chairman, I submit that there is nothing much more we can say about this and that we should now ask for a vote on it as to whether we are in favour of going on until 8 or not.

MISS ANNIE H. BODDEN: Mr. Chairman, certainly the views of those on this side, I am not talking as the opposition, I am saying that we are part of this Legislature and I just think some appreciation should be taken of what we say sometimes, if not all the time.

MR. BENSON O. EDWARDS: Mr. Chairman, I believe I saw the mover of the motion reach for the mike when one Member suggested that the only alternative was to come back here 10 o'clock tomorrow morning and finish the business. Maybe he was going to say something on that point.

HON. O. P. BARNICK: My contribution was going to be on the hours of sitting, Sir, and to say that all night sittings are not unknown in some Commonwealth Parliaments and that when I was in Queensland just before last the House was sitting at 2.30 in the morning, to my certain knowledge, because I read it in the paper.

HON. V. G. JORIGON: Mr. Chairman, my contribution is that I am not prepared to sit all night.

HON. O. P. BARNICK: I think there are certain practical difficulties if the decision of the House were to be to adjourn until tomorrow, I can see difficulties in that respect as it may give rise to transport and accommodation problems. I am sure all Members would put the affairs of the House ahead of their own comfort and even their own

HON. O.N.BARWICK(CONTINUING) business matters, but it may go beyond that.

MR.DENSON C.EBANKS: Surely, Mr.Chairman, there are alternatives, the House can be adjourned to any time, it can be adjourned to a date to advised by the Clerk, we do not have to adjourn until 10 o'clock tomorrow morning and this has been a very exacting sitting of the House and I think to go on until 8 o'clock is, as I said, unreasonable.

I would just like to make one further comment, Mr.Chairman and I am wondering whether the agreement of all vital persons involved in the operation of this sitting here has been obtained, and have agreed to hang around until mid-night on all night, as I hear some Members talking about, or even 8 o'clock. I believe that some of the functions here are being done by voluntary help and so on and I wonder if we are going to have these services up until an unlimited hour.

HON.JAMES M.HOLDEN: Mr.Chairman, I see that on a very minor point which is only tending to prolong the argument and I would move that the House stay in session until 8 o'clock or until the business before the House on the Order paper has been completed. Thank you.

MISS ANNIE M.BODDEN: Mr.Chairman, I think it is really as little a concession as we can get to leave here at 5 o'clock. After all I hope there are more days than today.

MR.CHAIRMAN: There is a minor point on which we are checking in that the person making the recording leaves at 5.30 tonight and we have to make certain that he is here, this is being checked.

HON.JAMES M.BODDEN: Mr.Chairman, I am sure that whoever that is can make the sacrifice like the rest of us who are going to stay on. I do not why there is such a fight on us staying on until 8 o'clock. We have had other sessions that have run longer than the prescribed hours, but my point of view is this, Sir, that we had a meeting that has been called here, we have the business before the House and if it takes 3 weeks from now, I was not particular about coming, but if we are here and if it takes 3 weeks let us sit here 3 weeks now and finish it.

MR.CHAIRMAN: I am informed that the person who works the machine taping the proceedings of the meeting can not stay later than 5 o'clock, he is not a Civil Servant.

HON. TRUMAN M.BODDEN: Mr.Chairman, I am just wondering whether he is perhaps the only person in the Island that can run a tape machine; with respect, Sir, there must be somebody else here that can run a tape machine. Failing that, then quite frankly, I suppose we bring a cassette and a tape recorder into the house and let us put it on cassette, I mean the records of the Court, Sir, are so dissimilar to this and they use, you know, another method of recording there, so if there is any problem, and I believe quite frankly, if he is asked, you know, that perhaps he would either stay or he would let us have some other employee out of the company, and you know, I just find it, you know, a bit strange that if this whole House, in the interest of its business, wishes to go on, that we are going to be held up on something as minor as a tape-recorder.

MISS ANNIE M.BODDEN: Mr.Chairman, I am saying without fear of contradiction, respectfully to you, Sir, that I do not see why we have any more than four Members because not one thing, as simple as leaving here at 5 o'clock, there is opposition; this is nothing vital, tomorrow

MISS ANNIE R.BODDEN (CONTINUING): is another day and as the Honourable man said if it takes 3 weeks, since I am here, I will stay.

HON. JAMES M.BODDEN: Mr.Chairman, our feeling on it is this, the legislature was moved from Georgetown to Cayman Brac; we did not come here just to make an appearance of being here for two or three days; we came here to work, and we are prepared now to stay in Cayman Brac if it takes 2 more weeks, but we are going to stay here and finish this session, Sir.

MISS ANNIE R.BODDEN: Well, Mr.Chairman, I would say that would be your authority to say whether we are going to stay or not stay, I do not think it is the authority of the Member to dictate such terms I thought.....

HON.JAMES M.BODDEN: I am not trying to dictate such terms, but I mean, after all, we came here to do some work, why leave it in the same state we got it right now? If it seems that we have to stay, we stay, if we have to find a tape machine, that we find a tape machine.

MR.BENSON O.EBANKS: Mr.Chairman, my submission is that the business of the House will not be in a mess. Standing Orders clearly provide for adjournments at any period in a committee, or at any time, and this is not the first time that the House has been adjourned for a break of a couple of days to meet again. We have worked when we have worked, on the other days we have carried on beyond time trying to finish and I do not think that we should introduce any novel procedures in the Legislature in order to meet the whims and fancies of a couple people.

HON.JAMES M.BODDEN: Now tell me something, why is it that we come to Cayman Brac, because as it is now, we have no work finished. Why do we hold a session up here?

MR.BENSON O.EBANKS: I did not call the session.

MR.CHAIRMAN: I am perfectly willing to put this to the vote, if it is the will of the House to continue until 8 o'clock we continue, but we may have to suspend at 6 o'clock until such time as the Clerk can make proper arrangements for recording proceedings.

MR. GIDEON SMITH: Mr.Chairman, it makes no difference to me whether the House stops until 8 or continues a few more hours but I think if Members cannot continue tonight we should continue tomorrow morning and finish this business. This is my firm feelings on it.

CAPT.CHARLES KIRKCONNELL: Mr.Chairman, I think sitting here all day under the conditions we have been sitting and working under, at 6 o'clock or 6.30 one has had enough for a day. Actually, the grey matter which I have between my two ears is not functioning that well, even during normal times, much less when I am tired like this, Sir. I am actually physically tired and mentally tired and that is why I am objecting to it, I see no reason why we cannot come back tomorrow morning and finish up tomorrow.

MR.BENSON O.EBANKS: Mr.Chairman, if we are to come back tomorrow morning I should want to be assured that transportation and accommodation and arrangements are guaranteed until we finish and that is, accommodation until we finish and transportation at the time we finish.

MR.BENSON O.ESAHRE(CONTINUING): I did not arrange the meeting nor did I make my reservations for accommodation or bookings but I was on a flight to leave here at 5.30 this afternoon and agreed to wait over until tomorrow morning and I was prepared to work to a reasonable hour but this seems to be going on, I do not know why the indecent haste with the Bill?

HON.TEMAN M.BOGGEN: My last contribution, Sir, is from John Winkley, when he said "lost time is never found again": we have just spent half an hour debating whether we should use a half hour.

HON.V.A.JOHNSON: Mr.Chairman, the question of accommodation at the hotel is important, I am scheduled to leave the hotel at 8 o'clock tomorrow morning. I wonder whether it is possible, if we are going to have to have extended accommodation at the hotel?

HON. CHIEF M.BUDUSO: As it appears, Sir, we presumably will finish tomorrow, therefore there is no further night in any other hotel.

MR.CHAIRMAN: I did check with the Manager of Arua Hotel at lunch time and I was assured that accommodation would be available if Parliament stayed over.

Well, I think this has been debated enough, all Members have expressed their points of view and I will put the question, that proceedings continue until the business of the House is completed or until 8 p.m. whichever is the earlier.

AYES AND NOES.

MR.CHAIRMAN. I think the Ayes have it.

I will need to suspend the proceedings until the Clerk makes arrangement for proper recordings, it is now 8 minutes to 5.

*HOUSE SUSPENDED*
*HOUSE RESUMED*

MR.CHAIRMAN: Proceedings are resumed.

CLERK: CLAUSE 13: Appoint of Officers and Servants.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

CLERK: CLAUSE 14. Protection of corporation.

QUESTION PUT: AGREED: CLAUSE 14 PASSED

CLERK CLAUSE 15: Protection of Members

question PROPOSED:

MISS ANNIE K.SOMEN: Mr.Chairman,I would like some explanation on this 15, it says no personal liability shall attach to any Member in respect of anything done or suffered in good faith. I would like to have good faith defined. Also,under the provisions of this Law, any sums of money, damages or costs, which may be recovered against such Member in respect of any act or thing done bona fide for the purpose of carrying this law into effect, shall be paid out of the funds and resources of the corporation. What am I to understand

MISS ANNIE R.ROBINSON (CONTINUING): by good faith, I would like to know.

HON.D.P.BARNICK: By good faith, Sir, I understand that if the Member acts without mala fides, that is to say, without dishonesty, if he acts in good conscience, believing what he is doing to be correct, then he will be protected. If he acts otherwise, if he acts dishonestly then that protection will no longer be available to him.

MISS ANNIE R.ROBINSON: Mr.Chairman, do I understand this to say that one person, one Member can be responsible for some of the money, cheques and costs and nobody checking on just one Member whoever he may be, or who.

HON.D.P.BARNICK: Speaking through you, Sir, I cannot hear. I think the Lady's microphone is not on...

MISS ANNIE R.ROBINSON: I said Mr.Chairman, am I to understand by this paragraph 16 that one Member, any Member is sole, no liability shall be attached to any Member in respect of anything done or suffered in good faith with regards to some of money, cheques - am I to understand that one Member will have the custody and charge of payments of money alone or would it be under each of two or three business peoples, or just one man can handle this money.

HON.TREVOR M.DODDEN: Mr.Chairman, this section by using the singular in it does not in any way mean that the cheques will not be signed by two or may be three people, or that the custody of money will not be that which is usual in good banking practice. It is put in the singular here, but there is nothing in this to really imply that one person, you know, could have total custody of money.

MISS ANNIE R.ROBINSON: Mr. Chairman, could we have it incorporated here so that it will be very specific that not one Member is handling the money. I mean I know enough about cheques and all that that they are always co-intersigned by somebody, but you never can tell.

MR.CHAIRMAN: I will put the question on clause 16.

QUESTION PUT: AYES AND NOES.

MR.CHAIRMAN: I think the Ayes have it.

CLERK: CLAUSE 16: Policy

QUESTION PROPOSED:

MR.PRINCE O.SPARKS: Mr.Chairman, this was the clause that I drew attention to when we were dealing with sub-section (2) of section 7 where the policy of the corporation, that is where general instructions could be given to the corporation or to the Chairman after consultation with the Governor, and I am wondering, Mr. Chairman, since no where in this bill it has been stated that the funds of the corporation, for example, are to be used to provide housing for middle or lower income people, could I be enlightened as to whether this is where in the operation of the corporation these directions would be given, that is, limits set above which moneys would not be lent, since stipulated for homes to be built

MR.BENSON O.EBANKS (CONTINUING) I would like some enlightenment on that section.

HON. JAMES M.BODDEN: Guidelines would be set by the Governor in Executive Council as to what is going to be done in regards to the level of income that the type of home and so forth and the number of years that it would be financed.

MR.BENSON O.EBANKS: On sub-section (2) of this clause, Mr. Chairman, this again was where I drew attention to the fact that I thought that this section gave to the Member all of the facilities and powers which he needed to efficiently and properly administer or to discharge his responsibilities under the law and that is why I moved for the deletion of the clause which I did earlier and I maintain that this seems to me to be quite adequate and I have no particular gripe with this, providing this is the section the guide-lines are going to be set under, but I am wondering whether there should not be an enabling section under the law to allow these guidelines and limits to be set similar to those clauses that are found in bills where fees are to be collected and so on. In other words, for a fee to be set there must be a clause which enables fees to be set and for limits to be set, I am wondering if this clause or another sub-section or something should not be inserted there that this can be done.

HON.JAMES M.BODDEN: Section 30 of the bill takes care of that.

MR.BENSON O.EBANKS: So then am I to understand that this section in fact does not then relate to the setting of limits. Is it the intention to put that in Regulations?

HON.JAMES M.BODDEN: I was only dealing with the other portion, Sir, I was not dealing with every thing in here. Section 30 does enable you to make regulations and that is where most of the things that carry out this law will have to be done.

MR.BENSON O.EBANKS: I am not clear, Mr.Chairman, whether the Member is saying also that his original submission was incorrect or what. Because this is not dealing with regulations.

HON. JAMES M.BODDEN: No, but you are raising points, I am not raising them. I am saying that generally the specifics that carry out the law can be set under the regulations which can be made under section 30. I am afraid if I have not been able to clear your mind on these things in the number of years that we have debated them, I cannot do it tonight.

MR.BENSON O.EBANKS: Mr.Chairman, this is about the third time today that the Member has been insulting in his remarks and I do not intend to sit down here and take it any more. And I would ask that you direct the Member's attention to using abusive and insulting language.

HON.JAMES M.BODDEN: Mr.Chairman, I am not using abusive language. I am just telling the man that if I have not cleared it by explaining that question I cannot explain any more.

MR.CHAIRMAN: I would remind the Honourable Member he must address any remarks in the Chamber through the Chair and not directly across the Chamber.

HON. TRUMAN M. POSTEN: Perhaps I could just ask something, Sir, it appears that this whole Committee has gone into a question and answer situation and what is really happening is one side is asking questions and one answering, and this is where, you know, a lot of difficulties are going to arise and you know, there is no obligation on Members here, you know, to really get completely drawn into an enlightenment stage of questions and answers fully, you know, some are all right, but to go on and on, you know, would just prolong things a lot.

MR. CHAIRMAN: It is perfectly proper for points of explanation or clarification, but I would ask Members to try to make the remarks impersonal through the Chair. I think we can achieve this. I will put the question on Clause 16

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: I think the Ayes have it.

CLERK: CLAUSE 17: Functions of the corporation.

QUESTION PROPOSED:

MISS ANNIE H. BODDEN: Mr. Chairman, to me this is the crux of the whole law and I am saying that I feel that these things give too wide powers. Now I am not being oppositive, I do not like to quarrel, but I feel that it is our duty if we are here as Legislators to understand, and not one in this House to Move the Legislature, everybody is just ordinary citizens, and I feel that we must at least, be respectful to one another, Sir. And I am going to say some things today that might hurt and I am reading 17: "Subject to the provisions of this Law, the corporation shall have power to carry out or provide for the acquisition and building of houses in the Islands".

Now, that is number 1. The acquisition and building of houses. I understand the word acquire as soon you can take, and I suppose take with a price of something, but the acquisition and building of houses. In my opinion, those are very wide terms.

For the time being, I go on to number 2: "Subject to the provisions of this Law, the corporation may, for the purpose of performing any of the functions under this Law, do anything and enter into any transaction which in its opinion is necessary to ensure the proper performance of its functions".

Number 3: "In particular and without prejudice to the generality of the provisions of sub-sections (1) and (2) the corporation may acquire, manage, and dispose of land". That is what I am going to deal with, Sir.

Number 1: to acquire lands, as I understand it, Sir, now in the past for public purposes and manage and dispose of the land; in other words, am I to understand, Sir, that when these lands are required they can be managed and disposed of at the pleasure of this corporation.

Now, Mr. Chairman, I am speaking from personal experiences on to what can happen. Everybody in Cayman knows that we were poor as we minded be, we had one little piece of land which came from my father's time. We were very poor, we could not afford to fence it and our adjoining neighbour, there was a road cutting through his land and coming down through ours. He fenced him in and we tried in our humble way to put a little fence of wood across it. Well, it developed that finally we got the money to fence it and we fenced it and we gave a nine-foot road.

MISS ANNIE E. BODDEN (CONTINUING): Sir just without one cent of money, three feet for 25, 125 feet deep. Well it developed only last year that a certain road was closed and the land distributed to the would-be owners and in the meantime I sold my piece of land, and would you be it or not, now this is no hear-say, this is no gossip, that for the man that bought my piece of land to get permission to put a building on it, he had to give 5 feet more? So I tell you it depends on who is who is got what is what, and I feel that the acquisition of land is a very serious thing, because if I had still owned that land before I gave 5 feet more I would have been killed on the spot.

Now I feel, Sir, that when we give permission to anybody to acquire land it should be for public purpose not to acquire land to manage and dispose of this land. In my yard I have enough land there that I could build another house, suppose this corporation could come forward and say well, I want half of your yard, take and sell it, acquire it. I mean that is what this amounts to. They can acquire, manage and dispose of land. I think that power is entirely too wide. They have no business to have the authority to acquire land except for public purposes, not to build these houses and sell them, that is exceedingly too much power. I do not care if Annie Bodden had it, it is too much, and right on down the line everything pertains - you can directly or through other persons or the Government lay out construct and maintain buildings and so on, provide and maintain roads, water and sewerage systems. As I understood this law it was strictly to provide housing for the under-privileged, now this is taking in everything, public paths, gardens, public amenities, carry on the building or undertaking of housing development, make arrangements with other persons for the purpose of enabling them to provide housing or finance, engage in other activities, designs to promote housing development, with the approval of the Governor make gifts or donations in deserving cases, I would not object if they were deserving cases to poor people that you as our Governor, Sir, in Council, would have the right to help other unfortunate people, I do not disagree with that. What I disagree with is this, that any power given to people to acquire land, to sell and dispose of it, it belongs to other people.

It goes on with a whole lot - make available money for the purpose of financing and so on, well I feel that my main objection is to this acquisition, manage and disposal of land because that is not what I call democratic.

MR. NORMAN W. BODDEN: Mr. Chairman, my comment is fairly general in connection with the functions of the corporation and what I would seek clarification on, if at all possible, is that the corporation's involvements in these areas, as outlined, are strictly confined to the specific projects and developments for which the corporation is solely responsible. May be this is some place but this is the query that I had and I brought this point up when it was being debated and I wonder if I may have clarification on this?

HON. JAMES M. BODDEN: Yes, Sir, that is the only intention, Mr. Chairman. The only intention of this bill, Mr. Chairman, is to carry out the affairs of the administration once it is put together in the furnishing of homes in the brackets of income that we have discussed previously. It is not to go out and try to take your house or any one else's, nothing like that.

CAPT. CHARLES KIRKCONNELL (CONTINUING): ... time about $700 a month. When the Public Works Department executed them, we were able to put in the same people and save Government, in the first year, about $100,000 and it has escalated since that and I am pretty sure it is around $800,000 if an accurate account was taken now.

What are we going to do with Public Works? We have a department with a Chief Engineer, fully qualified, a fully qualified architect, a fully qualified draftsman - what are we going to do with them. Are we going to duplicate the Public Works Department? This is part of their function now. Why are we going to set up another Government office under this corporation to do what we are having done now at no extra cost?

A dollar saved, Sir, is just as good as a dollar earned and a small territory like ourselves we have undoubtedly done exceptionally well and the income per capita is excellent. But, Mr. Chairman, we have to realize that not every day is going to be a day of sunshine. We have the rainy days which we must guard against also. And that is why I am not fighting this Bill or perhaps is in the minds of Council Members to be in opposition. Nothing is further from the truth, Mr. Chairman. What I am trying to get across is just as we cut our garments according to the cloth that we have. Economy, Sir, is the seasons of success. I cannot see that this corporation, in section 17 - this is absolutely ridiculous, "carry on any business incidental, or ancillary to the achievement of, any of the functions of the Corporation, including but not limited to the business of builders, contractors, insurers, real estate, mortgage and land agents".

I have heard it said before, Mr. Chairman, this is normally incorporated in the by-laws. I am saying I do not disagree with that, but they are never used and if we are not going to use it why should we have it in this? Let us be specific. Let us tackle the problem we have before us in a realistic and proper manner, Sir.

CAPT. MABRI O. KIRKCONNELL: Mr. Chairman, I too am very concerned about this Bill and I am not opposing it for the sake of opposition, but I wonder if the Honourable Member moving this Bill would consider removing the word "acquire". That seems to be creating more problems within this district than anything else and I think it would help very much to ease the unrestness that exists.

HON. JAMES M. BODDEN: Mr. Chairman, you know I may be very dull witted at this point, but I cannot see any meaning that can be attributed to "acquire" than what is usually meant in the dictionary for the word "acquire". Now, if Government goes out and buys a home it has acquired that home. If it goes out and buys a piece of land it has acquired that. It does not mean that they are taking it for nothing. I cannot see how this interpretation can be put on the word.

CAPT. MABRI O. KIRKCONNELL: Mr. Chairman, if this is the case could not then the word "purchase" be placed in order to ease the minds of the people?

HON. JAMES M. BODDEN: I would see the point here, Mr. Chairman, if that section was to start off "that Government would have the power to acquire land compulsorily" or something of that nature for people to get worried about it, but not for the English use of the word "acquire". I cannot see where this type of interpretation can be put to it, Sir.

MR. MORGAN W. HUDSON: I accept that, Mr. Chairman, but I just wonder if it was clearly specified anywhere in this bill that there are areas of activities in which the corporation can become involved solely strictly to those developments for which the corporation is responsible. I know the intent and what is accomplished and I wonder if this provision is made anywhere in this bill.

CAPT. CHARLES KIRKCONNELL: Mr.Chairman, the functions of this corporation if left as it is here it would be easier to say what they could not do than what they are able to do under this section. The acquisition of land and building of houses in the Islands this is going to be terrible and time will prove that I am right. I cannot see a bill before this House today which is intended to help solve the lower and middle income classes with houses to have such a wide scope. We are told that this bill is designed to help those who cannot acquire or help themselves, but the bill, Sir, I submit, as it stands today puts no limitation on what the corporation cannot do. I say that we need to confine and relate this bill to the lower and middle income. This is, in my mind, the problem area in our society. I am speaking particularly about Cayman Brac, the people here, nearly all of them have their parcel of land but if they had available long term low-interest rate mortgage money, they could help themselves with few exceptions, Sir, in Grand Cayman, this is true also. There are a couple of areas I know that people will have to be helped with land, but 90% of the people in our Island can find a plot of land, all they need is Government help to get a source of long-term low-interest rate mortgage money.

I think this Bill goes in to too many details, it is going to build a structure which we are going to find unmanagable, we are going to find that the resources of this country are going to be drained and as you know, Sir, and all Members know that a Government can only give to the people what it takes from them. The more we give to the people - that we cannot afford, we are going to have to go back to these people, tax them directly or indirectly. I cannot see putting a Bill with such wide scope as the one we have before us today, when a simple, straight-forward solution could be found to achieve the construction of houses for the lower and middle income group, or to find them mortgage money to help themselves.

Again, to make a gift; I raised this in my submission, Sir, on the debate. I am not saying that this would be abused but what I did say that the Government has a welfare department, this department has the staff to cope with all the needy cases in our Islands and why cannot the welfare staff be used, why the Governor in Council determine, or give these gifts, why not make use of the Government Offices which we now have; why duplicate something that already exists?

To provide, maintain and keep up Government houses and other buildings. Mr.Chairman, as you are aware, I took over the portfolio which had the responsibility for maintaining Government houses in the Islands and the Public Works Department did an excellent job to restore these houses as that Government was able at the end of the first year to save itself about $100,000 that it was paying out in unnecessary rent. They were renting other houses for their Government contracted officers, while Government houses were rented as little as $40 a month, and we were paying at

CAPT. HARRY S. KIRKCONNELL: Mr. Chairman, to the Honourable Member than saying that he will not in the interest of trying to quell the minds of some of the people, because what they are interpreting is under section 35 of the Land Acquisition Law, the word "acquiring" and the terminology applied to that and that is where their discontent rests. And if it is not the purpose of this corporation to use it in the sense that the Land Acquisition Law defines it, then I do not see where it would cause any problem if 'acquire' was replaced by 'purchase'.

HON. TRUMAN M. BODDEN: Mr. Chairman, the only way that the acquisition of land under Chapter 41 could apply to if this section read the way section 35 does, and that power is not in the corporation. I mean there is no way that the word "acquire" in this section, and if the Members look at it, you mean what section 35 means. They are two completely different things. So if the Member is worried that the corporation can exercise the powers under the Land Acquisition Law, I can assure him that that is not so. To do that you would have to actually, you know, take and apply the whole of that specific Law. And I mean I can assure you that "acquire" there is not the same as what it is under section 35 and if you look at that it is specific. It says it may acquire compulsorily under the provisions of the Land Acquisition Law and that is the only way it can apply.

MR. DENSON O. EBANKS: Mr. Chairman, section (3)..... I did not realize the Member wanted to speak.

HON. JAMES M. BODDEN: Just for the matter if this would help, Sir, we would be willing to change that word "acquire" in (a) to "obtain" if that would keep the Members happy and satisfied with that section, Sir. 'Acquire' was not put in there to have any ulterior motive, Sir.

MR. DENSON O. EBANKS: Mr. Chairman, I do not believe "obtain" would help very much, honestly. But, maybe when we get to section 35 and delete that all together it would help with the section.

HON. D. D. TARTON: With respect to the words of the last speaker, Sir, I do think that some of the difficulty, which has been mentioned to me both inside this House and outside, is the fact that this word "acquire" seems to have a meaning beyond its dictionary meaning whenever it is used in relation to land, because I think the Land Acquisition Law has been a law so long in this country that it seemed to me that the substitution of a neutral word with the meaning of "take into one's possession" or whatever "obtain" means might help persons who are reading the Bill to understand it the better. In this context the word "acquire" only means to "obtain".

MR. DENSON O. EBANKS: Mr. Chairman, the point that I am making is that as long as section 35 remains in the Law, "obtain" is not going to help. We are not debating that at the moment, but I think that is really where the rub is.

HON. D. H. HAMILTON: Perhaps we could deal it with there, Sir.

HON. JAMES M. ROSSOV: As soon as we come to section 21 we can deal with that, but we are still eight sections away from it.

MR. SPENCER O. ENNIS: I am aware of that. I only referred to that to indicate that "obtain" could also mean to obtain by annexation. So that does not help - the result - I do not believe are really stupid and I do not think that is helpful.

Now, Mr. Chairman, I have a few comments to make on this section myself. While I do not like general and sweeping powers, I have no problems with subsections (1) and (2) of this section, but subsection (3) does on that contain many clauses or phrases that I think are unnecessary. They are not related to the purpose of the Bill and so on and I will try to make my point as I go. And in doing this, Mr. Chairman, I will have to beg the indulgence of the House to refer to other sections where the use of phrases in this section cause concern, confusion, and make confusion that follows inappropriate.

I refer to the general statement under subsection (3) in particular and without prejudice to the permissibility of the provisions of subsection (1) and (2) "the corporation may". Now I take that to mean that whether or not the provisions here fall under subsection (1) and subsection (2) the corporation may do these things.

Now (3) under subsection (3) says, "directly, or through other persons or the Government, but not, maintain buildings and carry out such other building and engineering operations as may appear to it to be necessary or desirable in, on, over or under land:". Finally I would want to deal with "or through other persons". Surely, Mr. Chairman, this means that the corporation can make contracts with other people, I would presume, to provide the houses, they can enter into contract of various natures with other persons: and that is the reason why I object to subsection (3) of section 20 going on to say "or anything lawfully done by it" because it is my submission that if this section remains as it is, that is subsection (3) (b) and the corporation enters into agreement with private contractors, then we have given to the creation of subsection (3) of section 20 the corporation the right to become the Trade & Business Licensing Law. And surely this is not the intention of this Bill.

HON. D. H. HAMILTON: It is not the intention of the Bill either, Sir, it is the corporation that is exempt, not anybody else.

MR. SPENCER O ENNIS: Pardon?

HON. D. H. HAMILTON: I say that is not the intention of the Bill either. It is the corporation that is exempted, not anybody else. The mere fact that it can enter into contracts with people who are in business does not mean that those people in them do not have to comply with the Law, it is the corporation that that provision you just mentioned applies to.

MR. SPENCER O. ENNIS: Well however, Mr. Chairman, my submission yesterday was that and will be today, Sir, I am only laying the ground work for an amendment which I am going to propose that in subsection (3) of section 20, that the subsection where it "corporation" what it is entitled. But what this clause does is to go on and say "or anything lawfully done by it" and if it is lawful to empty private contractors then why are saying that it is lawful for these private contractors not to have a license.

HON. JAMES M. DODDS: But, Mr. Chairman, we have the Trade and Business Law and if a person under that does not have a licence calling for whatever he is doing, he is unlawful. So this is calling for anything that is lawful. I do not see the interpretation the Member can put in joining the two together.

MR. SIDNEY G. FRANKS: This is the whole thrust of my argument, Mr. Chairman. We have to be careful in the drafting of this law that we do not circumvent the provisions of other laws and I am submitting and we might stay here later than 8:00 o'clock before I am dropped off of this position because I think my submission is valid. And I am going to have to be shown some legal authority before I am going to agree to what I am submitting here. I think my point is clear and valid.

Then, I want to know, Mr. Chairman - not that I want to know, either the Members do not know the answers to the questions we are asking or they are refusing. So I am going to be cautious now if this is what they want.

I am saying that to construct and maintain buildings other than houses, which is the purpose of this Law, is outside the scope of the Law unless those buildings are incidental to the construction of houses and if that is the intention let us put it in here.

Subsection (c) of that same sub-section, "provide and maintain roads, water and sewerage systems, car parks, plans, public parks, public gardens and other public amenities;" - we must state here in this section that these refer to services undertaken by the corporation.

Mr. Chairman, why I am calling attention to these subsidiaries is because in other sections of the Law it is very specific. For example, in (a) it states "make arrangements with other persons for the purpose of enabling them to provide housing or finance therefor;". So in (b) I want to see "rehabilitate houses" as well and maintain them - I have no objection to that. And I want to see that (c) relates to developments undertaken with housing. Under (h) it states "provide, maintain and keep in government houses", I have no problem with that, "and other buildings;". Now surely the function of a housing authority has nothing to do with other government buildings and I would hope that it is not the intention of this Bill to transfer that responsibility to the housing authority. And I would ask Members to accept that we are not making our contribution purely to hear ourselves talk or to try to pick holes in this Law. We are here trying to legislate a Law that meets the objects and requirements of the Bill. And these sections that I have called attention to, in my opinion, go outside the ambit of the objects of the Bill as stated although I realise that is not a point. But nevertheless, that is what governs a Bill while it is a Bill and that is why we commit out into the Bill things that will then become Law to be operated under the Law which there is no Memorandum of Objects and Reasons.

The next submission that I made regarding the Trade and Business Licence Law in respect of two other persons, I would hope we are going to be met with regards to importation free from duty. Because, otherwise, Mr. Chairman, it would only be the contractors who are working for this corporation who would be in the building business after this gets into operation. But I have objections to the non payment of duty in one small sample on materials which need to be going into government houses, houses to be used by the Government. Because although the point was made in the second reading that if import duty is waived on the material for all of the houses, then Government is going to suffer a loss of revenue. It seems as though that was not understood. If the intent of that argument, Mr. Chairman, had been that

MR. BANSON C. PARKS: Government is so well off financially that it could suffer the loss, well maybe they could have an argument, but to say that there is no loss is fallacious and I would ask Members that we spend some time on this section tidying it up.

Look at (k), "provide and make available for purchase, leasing or renting houses of all kinds;". Does this mean beach houses, mansion houses? We want to make sure what we are dealing with and it does not seem to me that it should be beyond the capacity of the ability of the legal draftsmen or the legal department of Government to specify and quantify what we are talking about.

I honestly, Mr. Chairman, must question why under (k) the corporation would need to carry out this business of insurers. It would only in my opinion be necessary to the corporation to insure property under its control or management. Are we going to put a Government corporation, created by statute, in the business of insurance? And I have heard rumblings, Mr. Chairman, from Members on several occasions since that is brought in to the debate which makes me believe that this is exactly what is intended. And I am not prepared to put Government into businesses that it has no business in, particularly under the guise of a law that is taking care of the poor unfortunate people of these Islands.

And Members insisted on staying here this evening until we are finished and I would hope that we can come up with compromises to deal with these things I am raising. I do not see why the corporation has to be a real estate agent. It is proposed to include it under the Trade and Business Licensing Law. It is proposed to exclude it from all secrecies, laws and so on that would normally be paid. Are we going into the real estate business to make commission? We are not, Mr. Chairman, going to agree to that.

What I am not sure about, Mr. Chairman, is whether or not the devil's advocate did not get into this section. I believe that on closer examination, maybe what was intended for this section was for the "owner" to come after "managers" - "real estate managers and land agents.". But I am not agreeing with "land agents.". Maybe even "real estate managers" might be acceptable, but again to managers generally, I am not going to concede. We have to win it from to show that the management reform is what the object and reasons of this Bill say that the Bill is concerned with. I do not know whether the corporation would be intended to take over the management of hotels, banks, airlines and all of this type of thing. This was why I said in my second reading contribution that you could close down half of the Government departments if these things were going to be as generally applied as they appear in this Law. And frankly, Mr. Chairman, as I read it, particularly this (k), although it has that little bit of caveat at the top of it that could be investigated to mean that sure we are going to be insurers because that enables us to raise funds which is a function of the corporation. Sure we are going to be real estate agents because that enables us to raise funds which is a function of the corporation. Sure we are going to be managers and land agents because that enables us to raise money.

And I think that we have now reached the portion of this Bill where Members should be thinking a second time about the provisions because as I mentioned that you could close down Government departments, but it looks to me that even private businesses should think about closing down if these provisions are allowed to stay in the Bill. And unfortunately, Mr. Chairman, it is difficult for us to even begin to penetrate the veil which has been built up against the submissions which we are making, and which I am submitting are valid submissions. They are valid points.

MR. BENSON O FRANKS (CONTINUING): I would not have any problems, Mr. Chairman, with subsections (4) and (5) of this section, but subsection (3) is where the rub is and I have made my comment and maybe I can have some response.

HON. H. ROY HODDER: Mr. Chairman, what comes to my mind is what Rossetti wrote on love letters I" begin without knowing what I was going to say and finish without having what I had said", but I think that the Member has really lost sight of is that although the corporation or the authority can do what is specified from (a) to (k), it can only do these things and cannot do them generally - building everybody out of business. It can only do these things as set out in the Law in 17 (3) - ".....for the purpose of performing any of its functions under this Law,.....and enter into any transaction which, in the opinion is necessary to ensure the proper performance of its functions.". That although section 17 lists certain things from (a) to (k) that the authority can do, it can only do these things for the purpose of performing its functions under the Law. So it is very limited and limited only to the natural functions of the authority and not generally to close down all Government departments and put all private businesses out of business. And these things which can be done must be read as a part of the entire section. And you must read all of this section 17 which specifically limits the things that the authority can do so I think that the authority is not to do and does not encompass, does not embrace the entire world.

CAPT. CHARLES L. MITCHELL: Mr. Chairman, I disagree with that, Sir. Section 17 (3) as it is now, we are creating, or about to create, a monster that we cannot control. I would warn all Members here tonight - they may be on one side of the House, they may feel that they are sick of the roost - tomorrow they may not be. They may have to live with some of the same points we have brought out which may be the points tomorrow that may be an obstacle and a hinderance to them in their field of work.

I say, Mr. Chairman, let us not create this monster, but let us create something simple and straightforward. This is undoubtedly too wide and I hope that instead of one side banging the other one, that we will get down and try to put something realistic in this Bill, something we can live with.

HON. JAMES C. HODDER: Mr. Chairman, I am afraid that is just what we have done. I cannot say too much - other than what I have said because I cannot comprehend the sinister meanings that are being put to these sections of the Law, Sir. And as I listen to some of it I wonder whether I have a different copy from some of the Members. I cannot comment anymore on it, Sir.

MISS JANET ELIZAH BORDEN: Mr. Chairman, I feel that this thing is really too far reaching. I understood from the outset that we were to have a simple Bill to try to get houses and homes for the people where six to eight or ten persons live in one little room. I did not know that it would be so comprehensive and all this business added to it. I feel that we are really, as I've been said, creating a monster.

Insurance - I have lived in a house and it was only last year that I managed to get insured. And I feel, Sir, that if we build a little house for the poor and unfortunate, as I understood the whole thing was, why all this stuff into it? Purchasing, leasing and renting houses of all kinds - that is a real-estate man's job that goes about getting houses that available for lease or that are sold - that is not the business of this memorandum. The business of this corporation is to find, as I understood the original idea, small housing accommodation for the less fortunate in our community.

MR. HERBERT O. EVANS: Mr. Chairman, throughout the sitting of this House, Sir, we always take a break to quench our thirst or to clear our minds and I wonder if we have not reached that time or is not intended to do that during this extended period?

MR. CHAIRMAN: I intend to take a very short break in about fifteen minutes while the tape is being changed. But I hope it will be very short.

I am sorry if Members did not hear that. I intend to take a very short break in fifteen minutes while the tape is being change - but to keep it short. Not now.

HON. TRUMAN M. BODDEN: Mr. Chairman, should I have listened here for some time and I would just remind Members that when Standing Order 50, sub-order (1) we are not here to go into the general merits and principle - that was dealt with at the second reading, but only the details, and I think everybody has had a considerable amount of discussion on this and under Standing Order 50 I realise you have some discretion here, too. I will move that the question be now put and I would continue to do that further on in the event of your not permitting it which is your absolute discretion.

I would like to support that, Sir, with the words of Mr Adlai Stephenson, I am speaking generally, when he said that every man has a right to be heard, but no man has the right to strangle democracy with a single one of vocal cords. I think there has to be a cutting off time on debate and if everybody has had their say, everybody Member has spoken and spoken at length and even gone into the merits of it, then I would ask that under 50.....

MR. CHAIRMAN: There is no time limit on debates in our Standing Orders and I must be satisfied, as Presiding Officer, that questions asked, liable for elucidation have at least been given the opportunity for reply.

HON. TRUMAN M. BODDEN: What I am really getting at, Sir, is whether you feel there is constant repetition, or that Members have exhausted what they have to say - when it goes beyond that stage, I am saying that it may be proper for you to consider permitting me to put the closure debate motion under Standing Order 50.

MR. BENSON O. EVANS: Mr. Chairman, the only bit of repetition that I have heard mainly is here is the constant and unanswered request by Members to have legal interpretation on definitive answers to specific parts of the Bill. We are not getting these, so we have to continue to ask for them and I would remind the last Member who spoke, the Second Elected Member to Executive Council, that the devil can quote scripture for his own purposes and that quotation of Adlai Stephenson also applies to him trying to stifle debate. That is democracy.

HON. TRUMAN M. BODDEN: Mr. Chairman, I do not know how parliamentary it is to call another Member the devil. I think the Member should be very careful when referring, especially to a Member of Executive Council, as the devil. You know I like exception to it.

MR. BENSON O. EVANS: Mr. Chairman, I am sure you understood what I meant, Sir. I did not call any Member a devil, I said the devil can quote scripture for his own purposes. I made that statement only to show that a quotation can have more than one meaning.

MISS ANNIE EULALIE BODDEN: Mr. Chairman, I feel, Sir, that we on this side, and I do not call us the opposition - I call us the helpers, that any suggestion we put forward should be heard. We are not here, or at least I am not just here to drink my tumbler and my egg bottle of perfume. I am here to try to do some good for the Islands and I feel if it takes until 12:00 o'clock tonight, since we are forced to stay here, I am prepared to stay.

I would say, Sir, that on one occasion, the Honourable Third Elected Member on who is derogatorily called, we kept a meeting up to five minutes to twelve and won our battle.

MR. CHAIRMAN: Is there any further debate in this clause?

MR. BENSON O. EBANKS: May the question, Mr. Chairman, be given any further debate on the clause?

MR. CHAIRMAN: On this clause.

MR. BENSON O EBANKS: Mr. Chairman, I posed some specific points that I asked for a legal clarification in particular, or not legal clarification, but at least I would accept a legal rebuttal to my layman's interpretation which I am quite positive with.

HON. JAMES M. BODDEN: Mr. Chairman, I do not know whether the Attorney General can help, but I am at a loss because I cannot interpret this any further. I cannot see the minister meaning put into it and I cannot clarify it any further than I have.

HON. TRUMAN M. BODDEN: Mr. Chairman, the rule of law is somewhat specialized, very specialized perhaps. But there is one rule in law which is referred to as the golden rule of interpretation of statutes and it is that words have their proper English meaning. Therefore anybody who understands the English language can read it and that which is the common meaning is what it means. And if that may lend any help to the Honourable Members on the other side, that is the golden rule of interpretation, what you see is what it is. And there are no funny exceptions to this. Any confusion over what the words 'without prejudice' mean, I can see nothing of that sort because without prejudice means without prejudice. And really that is the rule legal rule applied to all of this, that words have their general meaning in the English language.

MISS ANNIE EULALIE BODDEN: Mr. Chairman, that is exactly what is bothering us. We are taking these words to mean what they are and their interpretation is very far reaching and very dangerous. That is exactly what we are trying to get straightened out because these words have a specific meaning. They are not something that you can say it means this or it means the other thing. They exactly means what it says and that is what we are alarmed about.

MR. BENSON O. EBANKS: Mr. Chairman, I was not fortunate to qualify in law, but reminds reminds of this I went into a little bit and I did not learn the golden rule. But I have learnt from long ago that the understanding of documents, or the ability to understand documents is not reposed solely in lawyers. But I think that it is fair when Members put forward an interpretation which is contrary to what is purported to be the meaning, that at least some attempt be made to at least show what the normal common meaning they are applying, as opposed to what we are applying, is. If they want to get out of the legal aspect of it I mean we can be laymen.

HON. D. H. HANWICK: I do not think anybody on this side of the House, Sir, wants to get out of anything. I have done my best to try to understand what the worries of the Honourable Third Elected Member from West Bay, just namely what his worries are. I think I can perhaps make a contribution by suggesting that, if I have apprehended him correctly, some words limiting the areas of the various provisions, which I think even he must agree will be necessary if the corporation is to have any kind of a finished product when it has done its work that we can be proud of and not be ashamed of. We do not want to build houses without sewers for example. We do not want to build roads without drains.

If his worry is that this may be used in some way which goes beyond the scope of the Bill which is to provide houses, to acquire and build houses, then perhaps this may meet his point because I know we on this side could live with this amendment. I do not think it is strictly necessary however I think my point would inevitably interpose subsection (3) in the way that I am going to suggest, and it is probably better always to be sure rather than sorry at some later date and the fact that he has doubts in his mind may show that doubts occur in other minds.

What I would suggest, Sir, that at the end of the second line of the subsection to which he has directed so much attention, where the word "may" appears followed by a "system", we cut in the following words, "in connection with the performance of its functions under this section". Or perhaps "under section (1) would be the same thing in effect, although it means we talk about "the provisions of subsection (1) and (2) the Corporation may in connection with the performance of its functions under subsection (1)? Because all these things would be done - or "in connection with the carrying out by the Corporation in connection for the acquisition and building of houses". I do not know if my colleague has a contribution. Maybe we can get it from him?

My friend suggests that instead we could say "subsections (1) and (2)".

MR. BENSON O. EBANKS: That is a good start, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, all we are asking, Sir, is to have this Bill related, specifically related to the aims and objects of this Bill and that is lower income and middle income housing. This is all we are asking is to have this section related and specifically stated.

HON. D. H. HANWICK: If I may be permitted a rider, Sir.....

MR. CHAIRMAN: We will have to suspend I am afraid because the tape has finally reached its conclusion.

I will now rise and we will resume again in ten minutes.

MR. CHAIRMAN: Please be seated.
Proceedings are resumed.

HON D. H. DAVIS: Mr. Chairman, when the tape ran out I was about to say that the "comma" which the Honourable Member queried in the last line of subsection (3) of the proposed new section 17 between the words "real estate" and the word "managers" is also a printer's error and should be deleted. And I think this can be done at the Table because it is quite clear if you read from it is naming people who can doing things - builders, contractors, insurers, land agents and it is not naming real estate which is an object. So I am saying that "comma" is meaningless and should be taken out - between the word "real estate" and the word "managers".

MR. CHAIRMAN: It has been proposed that clause 17 be amended by deleting the "hyphen" after the word "may" in the third line and inserting the words "in connection with the performance of its functions under subsections (1) and (2) -". The "comma" may be deleted at the table under 24(k).

Is there any debate on the amendment?

MR. BENSON O. EBANKS: Mr. Chairman, if possible I would like a recess to see what this amendment does to this section. I came in a little late, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I am questioning, Sir, what it says in subsection (1) of section 17 "the construction and building of houses in the Islands". Why can we not be more specific - anything be a house, like a mansion might we deem. That is what I have asked for, Sir, that we could be specific and deal with low income and middle income houses. I have asked for that and I still do not see that being done.

HON. V. G. MORROW: Mr. Chairman, the amendment, if it be agreed, should not only include middle and low income houses, but it must be remembered that this Bill is also aimed to take into consideration all government housing needs.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, if that is what it needs, let us put it in.

MR. BENSON O. EBANKS: Mr. Chairman, I was wondering if we could not put something after that section, subsection (1) to limit it and since I gather it is the intention to specify the types of houses that can be built in the regulations motion, I am wondering if there could not be something on the lines of "said buildings of houses as may be specified in the regulations made under this law" or "prescribed" or something like that which would take out the general aspect of it?

MR. CHAIRMAN: There has been no comment on the amendment and I think we could vote on that if Members have no comment.

MR. BENSON O. EBANKS: I did not hear that, Sir.

MR. CHAIRMAN: There has been no comment on the amendment which is now the motion before the Committee that clause 17 (3) be amended in the words suggested by the Honourable Attorney General. We could vote on that and at least get that amount of movement.

MR. DENSON G. HAINES: would that leave the clause open for further amendments, Sir?

MR. CHAIRMAN: Yes, the following question would be: that clause 17 as amended stand part of the Bill and the debate can continue.

So I will put the question on the amendment.

HON. JAMES M. DODSON: Mr. Chairman, unless we actually make this law to where none of us will understand what is going on, if we have to further amend it other than the amendment which has been drafted by the Attorney General, I think if they are not willing to take that amendment, Sir, we should not vote on the entire message at this time because in view of that if we are going to try to amend something else we might want to take this amendment out, Sir.

MR. CHAIRMAN: I am sorry I cannot be a party to having tinkling. This amendment has been moved, there has been no comment on it and I must put it to the vote.

I will put the question that clause 17(a) be amended as I read out. After the word "may" in 17(2) in the third line, add the words "in connection with the performance of the functions under subsections (1) and (2) -".

QUESTION PUT: AGREED. CLAUSE 17 AS AMENDED PASSED.

MR. DENSON G. HAINES: Mr. Chairman, under section (c) of subsection (3) since the Bill is purporting to deal with houses generally for middle income and lower income people and for the housing of civil servants, I wonder if it is reasonable to anticipate that the building and maintenance of piers would have to be considered? Are there likely to be waterfront homes?

HON. D. R. RAMDHEN: During the second reading, Sir, the point was made that if a corporation is lawfully to do something, it must derive its powers from somewhere. If that is an ordinary limited company, it derives its powers from its memorandum. In the case of a statutory company such as this or corporation as we call it in the context of this Bill, before it could do something it would be necessary to refer to that part of this Bill which empowers it to do something.

Now in searching for the powers of an organisation such as this, it is normal to try to have a reasonable and balanced view of the things that it might be required to do, not that it will be required to do. The word "may", Sir, appears at the beginning of the section and for example it may well be on an island that in some area where a lot of work does accumulate, not now, but in four years time, they got to sail from their homes by boat and it would be quite normal to include a dock or a pier as part of that particular development. In the same way as it might be quite normal to have a road and a park near it or a swimming pool which do not necessarily confined to the people who live in the particular houses, but could be used by other members of the public. If we do not put these things in here, Sir, questions are going to be raised about things which may be perfectly normal and incidental to this kind of housing programmes that are going to be carried out under this Bill. I do not say that anybody at the moment contemplates that we will put a pier in, but we do not want to come back to this House if we have to do so.

MR. BENSON O. EBANKS: Mr. Chairman, I think the Member has just confirmed my fears. If this is intended to build a pier for public purposes, well then I do not think that this is the place to make provision for it.

HON. D. R. BARWICK: It could only do so, Sir, the amendment having been accepted, in connection with the performance of its functions - that is in connection with the provision of government housing.

MR. BENSON O. EBANKS: Specifically, and I think that to compare a Bill for a specific purpose with a company that is intended to trade generally is a bit far-fetching. We are here dealing with a specific thing and we are complaining of the generality of this and trying to make it more specific. So if the intention is that this is going to be a public pier, this is not the place for it because it does not meet the test of the law.

HON. D. R. BARWICK: There was not a comparison, Sir, there was an attempt to illustrate and what I was trying to communicate was that if this corporation is going to have to do something, or, in the future needs to do something, it also will need to be able to point to that part of this Bill which empowers it to do it. The word "public" was used in connection with "purchase" and the word "pier" is not so qualified.

MR. BENSON O. EBANKS: I am sorry, Mr. Chairman, but if I understood the Member correctly in his original submission, he said "a pier for use by the general public".

HON. TRUMAN M. BODDEN: Mr. Chairman, speaking personally for myself, I am not prepared to amend this or to vote to amend this section any further and I am making that very clear at this stage, Sir.

MR. BENSON O. EBANKS: Mr. Chairman, that is a very wide and broad statement before the Member has heard the proposed amendments that might be coming forward.

HON. TRUMAN M. BODDEN: That, Sir, is my right in a democracy. My vote is mine and I am making it very clear that I am not voting for any other amendment in it. It is as simple as that.

MISS ANNIE HUTCHINSON BODDEN: Mr. Chairman, the Honourable Member is only one Member and there are others. So if he does not vote, that will be his prerogative.

MR. BENSON O. EBANKS: Mr. Chairman, I am prepared to move that "piers" as it appears in the second line of section (a) of sub-section (1) be deleted.

MR. CHAIRMAN: It has been moved that the word "piers" in clause IV 4(1)(a) in the second line be deleted.

There has been sufficient debate on this already and I propose simply to put it to the vote.

Will those in favour please say "aye". Those against "no". I think the "ayes" have it.

MR. BENSON O. EBANKS: Could we have a division on that, Sir?

MR. CHAIRMAN: As all the divisions are turning out exactly the same, I think I have the prerogative, if it seems to be a divide for wasting the time of the House, not to allow the division. I propose to do it on this occasion.

MR. BENSON O. FRANKS: It is just that I did not hear some voices, Sir, and I wondered if there might have been in this instance some people who would vote differently.

MR. CHAIRMAN: I think that my hearing is keen enough on this.

DIVISION

| "AYES" | "NOES" |
|---|---|
| Mr. Benson O. Franks | Hon. R. G. Bradford |
| Mr. Norman E. Boddam | Hon. V.C. Johnson |
| Miss Annie Huldah Boddam | Hon. John B. McLean |
| Capt. Charles C. Kirkconnell | Hon. Truman M. Paddam |
| Capt. Mabry S. Kirkconnell | Hon. James M. Boddam |
| | Hon. H. Kelp Hodden |
| | Mr. Gerston J. Smith |
| 5 | 7 |

MR. CHAIRMAN: The result of the division - five voting "for", seven voting "against". The motion is defeated.

MR. BENSON O. FRANKS: Mr. Chairman, could I enquire of the First Official Member, or the Second or whatever it is, whether "insurance" in this Law has a common meaning or is there something from the recent Insurance Law that would give a definition to this word?

HON. L. K. FARWICK: An ordinary meaning, Sir.

MR. BENSON O. FRANKS: In that case, Mr. Chairman, I move that "insurance" in the last line of section (k), subsection (3) of section 17 be deleted.

MR. CHAIRMAN: It has been moved that in section 17 (3)(k), the word "insurance" in the fourth line be deleted.

HON. JAMES M. HODDAN: Mr. Chairman, can I request some information here? If this is an amendment to subsection (k), can we assume that everything up to subsection (a) has now been agreed with?

MR. CHAIRMAN: I think it would be dangerous to assume so.

HON. JAMES M. BODDAM: In that case, Sir, it should be very difficult for us to vote on section (k) and then be falling back to section (a). I would think that either the Member withdraws that and puts it at a suitable time or agree to accept that everything up to (k) has been accepted.

MR. BENSON O. EBANKS: I am only one Member and I could not speak for others.

HON. JAMES M. BODDEN: My point is, Mr. Chairman, if we are going on to jump from (a) to (k) and go forth and go on to take one word out of it, we could be here until the good Lord comes and we will still never finish the Bill, Sir.

MR. CHAIRMAN: We have been following a logical order so far.

I will put the question on the proposed amendment. Will those in favour please say "Aye". Those against "No". I am sure the "Ayes" have it this time.

I feel that I have given the House ample opportunity to debate this clause and we should be moving to the vote. I will allow another three minutes debate and I will then proceed to put the question.

If there is no further debate I will put the question that clause 17 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 17 AS AMENDED PASSED.

CLERK: CLAUSE 18 - Funds of the Corporation.

MR. CHAIRMAN: The question is that clause 18 do stand part of the Bill.

MISS ANNIE DALDAN BODDEN: Mr. Chairman, as I understand this, "The funds and resources of the Corporation shall consist of -
(a) such sums as may from time to time be placed at its disposal by the Legislative Assembly;" - am I to understand, Sir, that the first funds available will have to come from the Legislative Assembly or what I mean to say, the funds of the Cayman Islands as passed by of the Legislative Assembly. In that where we are to get the first funds from to operate this corporation?

HON. JAMES M. BODDEN: Mr. Chairman, I am happy to say that the Legislature has already voted $400,000 which will eventually go towards the corporation, Sir.

MR. CHAIRMAN: I am sorry, I did not hear the Honourable Member.

HON. JAMES M. BODDEN: The Legislative Assembly, Sir, in the budget session voted $400,000 for housing which we have had to use some of to purchase some government houses since that time, but the most of it will probably go towards the corporation.

MR. CHAIRMAN: If there are no further points in this clause, I will put the question.

QUESTION PUT: AGREED. CLAUSE 18 PASSED.

CLERK: CLAUSE 19 - Borrowing Powers.

MR. CHAIRMAN: The question is that clause 19 do stand part of the Bill.

HON. D. P. MENTICK: There is typographical error at the end of line three, Sir.

MR. CHAIRMAN: Can the Honourable Member spell it out please?

HON. D. P. BARNICK: I am sorry, Sir. The word "purposes" should read "purposes". It may not appear in your copy if you are working from the white copy.

MR. CHAIRMAN: It will be corrected at the Table. I will put the question.

QUESTION PUT: AGREED. CLAUSE 19 ELECTED.

CLERK: Commissioner. CLAUSE 20 - Guarantee of borrowing of

MR. CHAIRMAN: The question is that clause 20 do stand part of the Bill.

MR. DENSON O. KEARNS: Mr. Chairman, subsection (1) is an acceptable clause, but subsection (2) is not acceptable. Subsection (2) reads "Where the Financial Secretary is satisfied that there has been default in the payment of any principal monies or interest guaranteed under the provisions of this section he shall direct the repayment out of the general revenues of the amount in respect of which there has been such default.". I presume this to mean the general revenues of the Colonies.

My submission here is that this clause will have to be amended because if the clause is left as it is the only one on the Financial Secretary is to satisfy himself that there has been a default in payment.

I am sorry for nitpicking, Mr. Chairman, but a comma will something to me.

I was saying that the only consideration or the only burden placed on the Financial Secretary here is that he is satisfied that there has been a default in the payment. Now, it is well known that corporations and people have defaulted in the repayment of monies when they have monies and I am not going to agree to this clause. If the clause were to read something like, "Where the Financial Secretary is satisfied that the corporation is unable to pay principal and interest", etc., "he shall summon the Finance Committee of the Legislative Assembly with a view to having the amount paid from the general revenues of the country".

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I also concur that that should go back to the Finance Committee for their approval and I am suggesting, Sir, that after the word "direct" in the third line of sub-clause (2) of clause 20 we add "with the approval of the Finance Committee a repayment out of the general revenues of the amount" so forth.

HON. V. G. JOHNSON: Mr. Chairman, if we are going to use investment for this particular section, I think that is what obtains at the present time, that even though the Legislative Assembly has given a guarantee to a corporation or a company where a loan or an advance or other funds are concerned, I must take the matter for final approval to Finance Committee which in turn is referred to the Legislative Assembly for confirmation.

MR. ARNOLD O. FRANKS: Mr. Chairman, as I have had occasion to say earlier today, we are legislating for posterity and as I understand it the Honourable Member who just spoke will be vacating the office, referred to in this section, very shortly or sometime early next year. And the point I am making is that it must be proven to the Legislative Assembly that the corporation cannot pay, not that it has not paid.

Now, in the interest of not stopping the bill we too much, I would not back the amendment proposed by the First Member from Cayman Brac once I am assured that the Legislative Assembly is going to vote the money - that is before it is paid. I would hope that even he maybe look at what I suggested that we say that we are satisfied that it is unable to pay, not that it has defaulted in payment.

HON. TRUMAN M. BODDEN: Mr. Chairman, our views are diametrically opposite to those put forward.

MISS ANNIE RUTH BODDEN: Mr. Chairman, the very unfortunate thing is that our Honourable Financial Secretary, as I understand it - I have it is not correct, but as I understand it he will not be there much after another year and you never can tell who will be the successor. I think that we do not want to quibble too much, but we should make ourselves healthat we are not so stupid as it appears to some people. And I feel that there is no harm done in inviting the legislature, who, I have always heard, hold the purse-strings to deal with such a matter as paying out money.

HON. V. C. JOHNSON: Mr. Chairman, could I just say again that the Government has given a guarantee on a loan to Cayman Airways and before I can make any payment where default on the part of Cayman Airways is concerned to make payment towards that loan, I must take the matter to Finance Committee and thereafter refer it to the Legislative Assembly. If this is not the proper procedure, perhaps the Government bench might want to touch on that.

MR. DEMPSEY D. BRADLEY: Mr. Chairman, I am not familiar with the legislation that accompanied the guaranteeing of the funds for Cayman Airways. I thought it was merely enabling legislation, charging the revenues of the country with the repayment in the event that the airline could not repay, not in the event that the airline did not pay. And I admit that he has been coming to us for those purposes, but if he is suggesting that the guarantee or legislation, or whatever, enabling Government to guarantee that loan is of a similar wording, I intend to have a look at that too.

HON. V. C. JOHNSON: Mr. Chairman, perhaps I should have qualified my statement by saying that the guarantee given to Cayman Airways is in the form of a resolution by the Legislative Assembly. But, in this case it is a statutory provision being made which would perhaps automatically give the Financial Secretary the authority to make such payments when they are due.

MR. ARNOLD O. FRANKS: Yes, Mr. Chairman, and that is why I am worried. If it says, for example, "him unable to pay", but I am not satisfied with the language in this subsection.

HON. V. C. JOHNSON: Mr. Chairman, if it happens that this can be passed and an occasion arises where I will have to exercise this section, certainly I will not be making any payment until the corporation can produce documents to me to substantiate that it cannot pay the amount under any loan or advances.

MR. BENSON O. EBANKS: Mr. Chairman, I had better not comment on that statement. But, at the appropriate time I am going to move an amendment to this section.

MR. CHAIRMAN: There is already an amendment that the words "with the approval of the Finance Committee" be added after the word "direct" in line four of clause 21(2).

I will put the question on the amendment. Will those in favour please say "aye". Those against "no". I think the "ayes" have it.

Is there any other debate on clause 20? If not, I will put the question.

QUESTION PUT: AGREED. CLAUSE 20 AS AMENDED PASSED.

CLERK: CLAUSE 21 - Reserve Fund.

MR. CHAIRMAN: The question is that clause 21 do stand part of the Bill.

MR. BENSON O. EBANKS: Mr. Chairman, I am in opposition to this clause. I am not sure whether this is listed from the Port Authority Law or not. Even if it is, I do not agree with it, but I doubt that it is. As far as I recall there is a limitation placed on the funds which the Port Authority may accumulate and I think it is something like $40,000 or $50,000 and after that it pays the funds into the general revenues of the country.

Since I can see some difference in the functions of the two corporations, I would suggest that the reserve fund of the corporation be dealt with, that is the disposition of those funds, by the Legislative Assembly. But I would be quite happy to accept a limit if that is proposed to be put there.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, the balance which the Port Authority Law permits the Port Authority to hold in reserve is $50,000. They may invest money with the approval of the Financial Secretary otherwise at interest, but they must have the approval of the Financial Secretary and there is a limit of $50,000.

I would like to see some limit. I am not saying $50,000 is the amount, but there must be a limit on this.

HON. V. C. JOHNSON: Mr. Chairman, the Port Authority is a revenue earning corporation. It built its facilities from funds provided by Government and a loan from Caribbean Development Bank. And although the Authority is repaying both the Government and the Caribbean Development Bank, it does accumulate a good bit of funds from time to time.

The Law specified that a sum of $50,000 be retained by the corporation at the end of the year and the balance be paid over to public funds. The purpose of that, Mr. Chairman, is that the Authority will have sufficient funds on hand at the beginning of the year to carry on its normal business.

In the case of the Housing Authority, this is a service corporation to provide houses and although it may accumulate a good bit of revenue from time to time, I think the intention is that those surplus funds be put to a reserve account. And that was the general purpose for this particular section.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, if I understood the Third Official Member , the question of reserve will not be a question at all. This will be another sieve for the Government's money to go through.

MR. BENSON O. EBANKS: The point that is being made, Mr. Chairman, is that to the best of my knowledge the finances of the country is one aspect for which responsibility has not been delegated and in this clause the disposition of the reserved funds should be at the direction of the Financial Secretary with the approval of the Legislative Assembly.

HON. V. G. JOHNSON: Mr. Chairman, the Housing Authority would propose to provide houses for medium and lower income people. It means that these properties are going to be placed at the disposal of these people on fairly long term of payment and it is not likely that the corporation will be accumulating funds sufficient from time to time to be paid over to public revenue because it is an ongoing service which it will be providing to the general public. And therefore, the reserve account is only to accumulate funds for the occasion when the Authority will need additional money to build houses for these classes of persons.

MR. CHAIRMAN: If there is no further debate, I will put the question.

MR. BENSON O. EBANKS: I would like to move an amendment, Mr. Chairman.

I would move that where the word "Minister" appears at the end of section 21, it be deleted and substituted with the words "Financial Secretary".

MR. CHAIRMAN: It has been proposed that clause 21 be amended by replacing the word "Minister" at the end of the clause with the words "Financial Secretary".

I will put the question on the amendment. Will those in favour please say "aye". Those against "no". I think the "noes" have it.

I will now put the question that clause 21 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 21 WITHOUT AMENDMENT PASSED.

CLERK: CLAUSE 22 - Application of Funds.

MR. CHAIRMAN: The question is that clause 22 do stand part of the Bill.

MISS ANNIE HULDAH HODDER: Mr. Chairman, section 22(a)(iii) - "The funds and resources of the Corporation shall be applied in the following manner, that is to say financing -

(a) (i) the purchase of any land intended for housing;
(ii) the costs of developing such land and any other property vested in the Corporation from time to time and providing services;".

Now number (iii) is the one that I object to - "costs of and incidental to the building of houses by persons generally;", now does that mean to say that "persons generally" means what, Sir? - Any and everybody? If I want a house I could have one built or does it have to be for the lower and middle class people or persons generally? What does that mean please, Sir? Does that mean that anybody that wants can come to this corporation and put a house build?

HON. D. E. WARWICK: The paragraph of subsection (a) to which the Lady Member from George Town has referred relates to financing. That is to say that the provision of financing for the building of houses by persons generally. The intention of that paragraph is to make it possible

HON. D. H. BERWICK (CONTINUING): for people to build on their own land. This would be a case where the corporation did not acquire land, it would have the man or a woman, or a family, coming to borrow money saying we have land and we want to finance through money available from the corporation.

MISS ANNE HILDA BODDEN: Mr. Chairman, if that is really what the intention is, I have no objections, but I wanted to be sure.

MR. ARTHUR O. HANKEY: Subsection (iv) of 22, Mr. Chairman. The words "other buildings" crop up again.

HON. TRUMAN M. BODDEN: Mr. Chairman, there does not appear to be a subsection (iv).

MR. BENSON O. EBANKS: Subsection (a) (iv). The words "other buildings" crop up again and I want to see that section limited similarly to, not by the same words necessarily, but similarly to the other section 22 to make sure that we are talking about housing and not other buildings not connected with housing.

HON. JAMES M. BODDEN: Mr. Chairman, if there is an amendment to be made, I propose that the Member proposes an amendment because we are not prepared to place one ourselves.

MR. CHAIRMAN: Are there any other speakers?

MR. BENSON O. EBANKS: Mr. Chairman, I would like to move that at the end of section 22, subsection (a)(iv) a proviso be added. "Provided such other buildings referred to above relates specifically to the provision of housing".

MR. CHAIRMAN: It has been moved that clause 33(a) (iv) be amended by deleting "semi-colon" and adding the words "provided that the buildings referred to above relates specifically to the provision of housing;".

MR. BENSON O. EBANKS: Would you read that again, Mr. Chairman?

MR. CHAIRMAN: Must I read at the end of clause 33(a) (iv) - delete the "semi-colon" and add the words "provided that the buildings referred to above .....

MR. BENSON O. EBANKS: I have "that such other buildings referred to above".

MR. CHAIRMAN: "Provided that such other buildings referred to above relates specifically to the provision of housing".

I will put the question. Will those in favour please say "aye". Those against "no". I think the "ayes" have it.

MR. BENSON O. EBANKS: Could I have a division on that, Mr. Chairman?

MR. CHAIRMAN: Yes.

DIVISION

| "AYES" | "NOES" |
|---|---|
| Mr. Benson O. Franks | Hon. D.R. Ramsdell |
| Mr. M. Norman Bodden | Hon. V.G. Johnson |
| Miss Annie Ulloah Bodden | Hon. John B.McLean |
| Cmdt.Charles L.Kirkconnell | Hon. Truman M.Bodden |
| Capt.Mabry S. Kirkconnell | Hon. James M.Bodden |
| | Hon. G.Haig Bodden |
| | Mr. Gaston J.Smith |
| 5 | 7 |

MR. CHAIRMAN: The result of the division - five voices "for", seven voices "against". The motion is defeated. I will now put the question on clause 22.

QUESTION PUT: CLAUSE 22 WITHOUT AMENDMENT PASSED.

MR. BENSON O. FRANKS: Another amendment to put to that clause, Sir.

MR. CHAIRMAN: Well I am sorry I did not catch the Member's eye.

MR. BENSON O. FRANKS: That is section..... Have you passed 22 in its entirety?

MR. CHAIRMAN: Twenty two, yes. I put the question and I am sorry I did not see.....

MR. BENSON O. FRANKS: But may I make a general observation on it Sir?

MR. CHAIRMAN: No, we have passed it.

CLERK: CLAUSE 23 - Accounts and audit.

MR. CHAIRMAN: The question is that clause 23 do stand part of the Bill. If there is no debate, I will put the question.

MR. BENSON O. FRANKS: Not so quickly, Mr. Chairman, please.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, section 23, subsection (3), I would like to make an amendment to this section, Sir, and that is it would come in the second line after "Member" and insert "and Financial Secretary" so that it would read, "As soon as the audited accounts have been supplied to the Corporation, the General Manager shall forward to the Member and Financial Secretary a copy thereof together with a copy of any report thereon by the auditor."

MR. BENSON O. FRANKS: I endorse that amendment, Mr. Chairman.

MR. CHAIRMAN: It has been proposed that clause 23 (3) be amended by inserting the words "and Financial Secretary" after "the Member" in the third line.

HON. JAMES M. BODDEN: Mr. Chairman, it is a bit irrelevant there because these Members speaking on this have been Members of Executive Council and are quite sure that documents of this nature are circulated to all the Members and whilst in Executive Council, Sir. It does not make any difference which Member gets it, these go to the Members.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I am quite aware of that, Sir, but it says specifically "the Member" - if the Member does not wish. If it said "Governor" that would cover the whole thing - then it would be the Governor in Council, the full Executive Council. But it specifically says "the General Manager shall forward to the Member".

HON. JAMES M. BODDEN: The Member knows that it is handled much different then that in Executive Council, Sir.

HON. V. G. JOHNSON: Mr. Chairman, I take it that these accounts, that is the audited accounts, will have to be laid on the Table of the Legislative Assembly although I do not see provision for it here. It will have to be laid on the Table of the Legislative Assembly and the Member is the person who would lay the accounts on the Table and answer any questions in the Legislative Assembly concerning these accounts.

MR. CHAIRMAN: I shall put the question on the amendment. Will those in favour please say "aye". Those against "no". I think the "Ayes" have it.

I will now put the question on the clause that clause 23 do stand part of the Bill. Will those in favour please say "aye". Those against "no".....

MR. BENSON O. EBANKS: Mr. Chairman.....

MR. CHAIRMAN: I think the "Ayes" have it.

MR. BENSON O. EBANKS: No, but, I did try to catch your eye, Sir.

MR. CHAIRMAN: I am sorry you have missed again. At this time I will interrupt proceedings. We will return to the Assembly.

QUESTION PUT: CLAUSE 23 WITHOUT AMENDMENT AGREED.

HOUSE RESUMED

ADJOURNMENT

HON. D. R. DARNTON: Mr. President, Sir, I do move that this House do now adjourn.

MR. PRESIDENT: The question is that this House do now adjourn.

HON. TRUMAN M. BODDEN: Mr. President, may I just ask - adjourn until presumably 10:00 a.m. tomorrow, same place?

MR. PRESIDENT: Will those in favour please say "aye".

MR. HARSON O. EBANKS: Mr. President, is there any debate upon that, Sir?

MR. PRESIDENT: Pardon?

MR. BENSON O. EBANKS: Is there a debate upon the motion?

MR. PRESIDENT: It is not usual on the adjournment of the House unless notice has been given.

MR. BENSON O. EBANKS: Pardon?

MR. PRESIDENT: Unless notice has been given it is not usual to have a debate.

MR. BENSON O. EBANKS: Mr. President, the unfortunate part was that while no official notice was given, an understanding was given contrary to this outside of this House today.

MR. PRESIDENT: I am sorry, I discussed various possibilities with various Members.

The question is that this House do now adjourn.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

QUESTION PUT:AGREED. House adjourned until 10:00 A.M. Friday, 28th of May, 1981.

FIFTH MEETING OF THE (1987) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON FRIDAY, 29TH MAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CMG, OBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DAVID R HARWICK, OBE | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON V G JOHNSON, CBK, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT |
| HON JOHN B MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON JAMES M HUDSON | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON C RAIG DOOLEY | MEMBER FOR COMMUNICATIONS AND WORKS |

ELECTED MEMBERS

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| MR GARSTON J SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR BENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MISS ANNIE HUGGAR BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| CAPT MARRY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |

ORDERS OF THE DAY

FIFTH DAY

FRIDAY, 29TH MAY, 1981

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GOVERNMENT BUSINESS

THE HOUSING DEVELOPMENT CORPORATION BILL, 1981 - CONTINUATION OF COMMITTEE THEREON

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(i) THE IMPRISONMENT (AMENDMENT) BILL, 1981 - THIRD READING

(ii) THE LIQUOR LICENSING (AMENDMENT) BILL, 1981 - THIRD READING

(iii) THE WRECK AND SALVAGE (AMENDMENT) BILL, 1981 - THIRD READING

(iv) THE HOUSING DEVELOPMENT CORPORATION BILL, 1981 - THIRD READING

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GOVERNMENT MOTION NO. 1 - LOANS - CARIBBEAN DEVELOPMENT BANK

TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER (FINANCIAL SECRETARY)

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FRIDAY, 29th May, 1981
FIFTH DAY
10 a.m.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Assembly will resolve into Committee to continue debate on the Housing Development Corporation Bill, 1981.

## HOUSE IN COMMITTEE

## THE HOUSING DEVELOPMENT CORPORATION BILL, 1981
## COMMITTEE THEREON

MR. CHAIRMAN: The Assembly is in Committee.

Continue examination of the Housing Development Corporation Bill, 1981.

CLERK: Clause 25. Report.

QUESTION PUT: AGREED: CLAUSE 24 PASSED.

CLERK: Clause 25. Acquisition of Land.

QUESTION PROPOSED:

MR. DEACON D. KHANEY: Mr. Chairman, I believe that this section is responsible for a vast amount of the dissatisfaction with this Bill and it is my submission that housing generally is not a public purpose and since that is the criteria for acquisition of land I submit that this section does not meet the criteria of the law, and I am prepared to offer an amendment to this section that after the word "housing" in the third line the words be inserted "of Government servants or employees". In other words, this would have the effect of restricting acquisition of land under this Law to land that may be deemed necessary for Government housing, that is the housing of Government servants or employees which could be considered a public purpose.

MR. CHAIRMAN: It has been moved that Clause 25 (a) be amended by inserting after the word "housing" in line three, the words "of Government servants or employees".

HON. J.M. BOSIEN: Mr. Chairman, I think it could be rightly argued that housing as interpreted in the context of this bill would be for public purposes, but be that as it may, Sir, I think that tempest in a tea-pot has been built up over this particular section and we have had discussions on it and we are prepared to even go much further, I think, than what the Member is proposing at this point, as an amendment.

The reason this would be needed and it would be to my mind a very long time before it would come to the point that it would be needed, would be in the case if Government had to get involved in an urban renewal project or a slum clearance project anyway down in the future and we propose to offer an amendment that if that ever became possible that we would bring it back to the Legislative Assembly and the Honourable AttorneyGeneral has drafted an amendment to cover that section, Sir.

HON. E.R. DARWICK: What the Government proposes, Sir, could be

HON.D.R.BARWICK: ...continued by substituting for the Word "Governor" in the first line of sub-section (1) the phrase "with the approval of the Legislative Assembly by resolution, the Governor may.....".

This would mean, Sir, that everytime it was proposed to exercise this power the Legislative Assembly would have to be appraised fully of the reasons for the acquisition, it would receive wide publicity and it would require a vote of the Assembly before the machinery could be put into operation. It would be very doubtful, Sir, that with this kind of attendant publicity, any Government, no matter how far into the future we might be looking, would abuse this power.

MR. BENSON O.EBANKS: Mr.Chairman, .....

MR.CHAIRMAN: I had better propose the question on the amendment to the amendment.

It has been moved by the Honourable Attorney General that clause 25 (1) be further amended by the inclusion of the words "with the approval of the Legislative Assembly by resolution" after the word "Governor" in the first line of 25 (1).

MR. BENSON O.EBANKS: Mr.Chairman, my comment on this proposed amendment is that the Land Acquisition Law requires publication to be made when Government is considering the acquisition of land, that is before it can even acquire land it has to publish the fact that the land is needed for public purpose and is going to be acquired and I can assure the Honourable Member who is moving this resolution that when Government land is touch the D.A.does not need to publicise it - it would be well publicised, so sufficient opportunity is given to publication of the intention to acquire land and then there is a process, as I remember it, when you have to give further notice before the acquisition is actually done. So I think that ample publication can be given to it.

My argument is that not even the Legislative Assembly can even vote a law unless they amend the law and my argument is that what we are supposed to be doing, providing houses for sale to people is not land required for a public purpose.

HON.J. M. EDDEN: Mr.Chairman, I can assure the Honourable Member who has just spoken that land is very dear to every Caymanian heart as it is to mine. Not boasting of it, but I am probably the largest land owner in the these Islands, but that is not the point I think for us to argue.

Government, whether it has been this Government or past Governments, have never abused the Land Acquisition Law and everyone that was touched by it has received the full compensation in most cases for what the land was truly worth. It has only been, may be, in a very rare case, that that has not happened. In fact, in many cases people have benefitted much more than the true value of the land that was involved and as far as the publication of it, I can assure them that it is coming to the Assembly; it will have ample publication as it appears it have had this time.

Various discussions have taken place here by a few of the Members, complaining about the lack of communication on this Bill, but yet it seems that they must have had it in ample time to be very well prepared to fight every word of the Bill that has been passed so far.

I think the right place to put that is to bring it back to the House, so you will have the publication of it in the law he is talking about, you will have the due publication of it to the Members of the Legislative Assembly, you will have

HON. J.M. MCCOY: due publication to the members of the public, and people will be able to mount a fight if it is necessary to fight it and at that time their Members, whoever they may be, can fight it. I do not think we can be any more reasonable than that, and other than that, I would even be prepared, if there is a further fight on this amendment, to withdraw the amendment in its entirety and let it stand as it is.

HON. G. HALO HOLDEN: Mr. Chairman, the Third Elected Member from West Bay made a comment that he did not believe, or did not think the Legislative Assembly should over-ride the law, but the amendment proposed by the Honourable Attorney General does not ask the Legislative Assembly to over-ride the Land Acquisition Law. That amendment would only ask the Legislative Assembly to determine whether the provisions of the Land Acquisition Law should be invoked for public housing scheme.

The fault with the amendment proposed by the Third Elected Member from West Bay is that we cannot prescribe for what purposes the law might be needed, because they are too many and too varied. If we were to put in one hundred ways in which the law might be needed we may find that there is still 101 and we would have to come back and amend the law for it to apply to a specific case that we were dealing with. For example, he has suggested that the law be used to acquire lands for houses for Government servants or employees and to my mind under this bill, this is perhaps the rarest instance in which the law would be needed. I would see it being needed more as the Member on my left has suggested, for an urban renewal or for slums clearance. For example, in George Town, in particular, there are several slum areas and if Government steps in and decided to clear out these people, to clear out these areas, and to build decent homes with adequate facilities, you may find that one or two would resist the action, while you might have 100 consenting ones. But Government would not be able to carry out the clearance without the consent of all. So it is impossible to prescribe the specific purposes for which the law could be used.

The history of land acquisition in these Islands has been that it has never been used very often. It has never been abused, the most controversial case was the acquisition of a portion of land from one of the churches for the dock, and I believe that this provision is necessary and it should be in the law now. It is true that 50 or 100 years may pass and it may never be used. Because if land is to be acquired under the Land Acquisition Law, you must remember that Government must pay for that land and Government is compelled to pay the fair market value, so there can be no abuse if a portion of land is needed. I can think of other reasons why it might be necessary to acquire, even a small portion of land, in order to put in the proper sewerage or water supplies.

I am satisfied that the section will not be abused and there has not been, in nearly 400 years of British rule, a single instance in which this law or a policy of this nature has been abused by Government and I would think that if the Governments in the future behave as the Governments in the past have done, there is not the remotest possibility that there will be any abuse of this section. However, the life of a Government is only four years and if by 1984 there has been an abuse of this section, I am positive that the new Government would have an opportunity to reverse any actions taken by the 1980-1984 Government and would have the right, as we did with the swamp land, which was taken from people in an arbitrary fashion, and restored these lands to the original owners, so I

HON. G.RAU: HODDER: think the fear of the abuse of this section can easily be put to rest. There were some who believed that the sweeping land terms could not be reversed and they were found wrong. And in fact, I am not getting political, but that particular election hinged on returning land, and if there is an abuse of this section during the period between now and 1984 I would think it would be one of the cardinal points of the platforms of the would-be 1984 Government. So even if the Members of Government or the Housing Authority were to lose their senses and abuse this section for a short while, I am sure they would be turned out just as rudely as the 1976 Government was.

HON.J.M.BODDEN: Mr.Chairman, I would also like to point out to the Third Elected Member from West Bay that what he has really offered us in an amendment is full of loop-holes because suppose Government had to acquire 10 acres of land under the section that we are talking about for urban renewal slum clearance or whatever it is, and if we were to use the amendment that he has put in on that tract of land you would probably be able to build may be 40, 50, may be even 60 homes. Government would retain one of those homes for some Government employee to live in and I think it would be quite within the right and I do not think that any lawyer would have any success in challenging the thing in court, because Government would still maintain one for one of its employees. So it is full of loop-holes.

CAPT. C.L.KIRKCONNELL: Mr.Chairman, in view of what the mover of the bill said earlier, and in order not to create any further unrest, particularly in my constituency, and disrupt the harmony within it, I am respectfully requesting that the Member proposing the bill withdraw this section and I give him my assurance and the assurance to this House, if at any time that we find it is absolutely necessary to acquire land for the housing development corporation, and there are people who are unreasonable, I shall at that time give it my full support.

As has been said, Sir, this Law has seldom been used. This has struck a harmful note in my constituency and I am respectfully requesting that this section be removed.

HON.THOMAS M.BODDEN: Mr.Chairman, the amendment that has been put forward I think is quite reasonable. It shows, at this stage, a constructive approach from the Government Bench to endeavour to bridge the gap in relation to this. The removal of section 25 I think leaves the law as it would then stand, without considerable effectiveness. In fact, I do not know what the fear is because, with the exception of, I think, two small parcels of land, this section has never been used by this Government. It had been used by the last Government, contrary to the, I would say, detriment of the church - Presbyterian church, sometime back, and that I think is probably the only time that any other Government has used it. So to endeavour to impute at this stage that this section, or any other section, will be abused by this Government, especially under the provisions of this Law, which provides very clearly that it has to be published and notice is given, periods of time waited on, before one can enter into possession and in fact compensation has to be paid and, as was seen in the church's case, the Court of Appeal they quite happily upset a judgement if it is too low, as it did in that instance. So the public is protected and in any event, Sir, nobody is going into

HON. TRUMAN M. BODDEN (CONTINUING): ...this law on the basis that the aim is to upset the public. We would be stupid to endeavour to invoke a law that is constantly going to upset people and we have never done it in the past, as I think this Chamber must look at the history of this Government when endeavouring to draw inferences or make implications in relation to them.

I think what we have put forward actually puts it back into the hands of this Legislature and I would assume that the Members here must understand that the amendment is one which will bring about an overt act of this Legislature prior to invoking the law. Without a resolution of the Legislature based on the amendment the law cannot be invoked, therefore I see no difference between that and listing it out and then taking a negative approach of coming back, passing an amendment to it, putting it back to use it, and quite frankly this is what would have to be done. It would waste the valuable time of this Chamber and I think the Government Bench has put forward what is a reasonable and a very democratic approach to it because it would have to be a resolution, a positive overt act of this House before the law could be invoked and really what more can you ask than that. The control comes back to the Legislature and democracy proceeds. It is just that, naturally, whether it is something liked or not liked, the resolution of the House is those votes which a majority provides, but that is democracy, and I cannot really see what, at this stage, there is any objection to it, you wanted it to come back to this Legislature and we have agreed to that. I mean, what more really can one ask at this stage?

MR. BENSON O. EBANKS: Mr. Chairman, I think the thrust of my argument has been lost on the Government Bench. My argument is that land for housing generally would not now fall under the ambit of the Land Acquisition Law and what this bill before us, which the 1974 Government did not have, is seeking to say by statute that land for housing would be subject to the Land Acquisition Law, and overt or covert, I am one Member of the Legislative Assembly who is not going to flout the provisions of the Land Acquisition Law.

The Members who have spoken about needs other than housing for land, if those needs arise and they are for a public purpose, they have the Land Acquisition Law to use, do not hide behind the Legislative Assembly with it - go out and use it.

In those cases other than housing and in those cases that are truly for a public purpose, Government can use the Land Acquisition Law and there are other sections in this Law that permit Government to vest any of the property in this corporation, so this section really is saying, as my learned friend on the other side would say "lawyers say things in different ways" and may be, but for the provisions in this, it would read something like this - "for the avoidance of doubt land for housing is deemed to be a public purpose".

My argument, Mr. Chairman, is that lands for the housing that we are contemplating under this Bill, other than Government housing is not a public purpose. The requirement for acquisition under the Land Acquisition Law, as it now stands, is that the land must be for a public purpose and the effect of this section would be to amend that or at least to include lands required for housing, and I am not prepared to do that.

If, as has been stated, the amendment as put forward by me is not acceptable, or the suggestion put forward by the Honourable First Elected Member from Cayman Brac is not acceptable, well then, as far as I am concerned, we will go down with

MR. BENSON O. EBANKS [CONTINUING]: this clause can be done with all the clause.

HON. J.M. HOLDING: Mr. Chairman, I can quite understand the problem the Members are having on the other side of the floor, because the idea of Government has always been different from ours and public housing, anyway you look at it, is a public purpose, if you get right down to it and I am not saying that this law is contemplating this action at the immediate time, but sometime in the future it may become a reality that the Government will have to step in into a form of subsidised housing, that may be 100 years down the road, but when you get to that you are talking about public housing and when in one sense the plan that is projected here with the support that it would have to get from Government is a public purpose. I cannot understand, Mr. Chairman, the confusion in the Member's mind when the only time in the history of the Islands that the Land Acquisition Law was ever abused was at the time when he was more or less at the helm of the Government of this country and that is the thing that is really confusing to me.

MR. BENSON O. EBANKS: Mr. Chairman, if the Member is satisfied that land for public housing can be a public purpose, this clause is unnecessary, this is my argument. If he was confident of that submission the bill does not need this section, because Government has the Land Acquisition Law to acquire the land and there are other sections that permit Government to vest any land or property in the corporation. This is extending the scope of the Land Acquisition Law and as regards abuse of the Land Acquisition Law, Mr. Chairman, that has never happened to my knowledge, and in fact he mentioned once that the law was used. I know twice that the law was used from 1972 to 1976 but they were for public purposes and the only time that it left a bitter taste was when a bit of politics entered into it.

HON. JAMES M. BODDEN: That is unfair to criticise the Church with politics.

MR. BENSON O. EBANKS: The church had legal advisers....

HON. TRUMAN M. BODDEN: Mr. Chairman, what the Member is referring to, I think I have a duty to explain because I defended the church on that case and.....

MR. CHAIRMAN: I do not think the Honourable Member has finished his speech.

HON. TRUMAN M. BODDEN: Sorry?

MR. CHAIRMAN: The Honourable Member is still speaking.

HON. TRUMAN M. BODDEN: I am sorry, Sir.

MR. BENSON O. EBANKS: I said, Mr. Chairman, the Land Acquisition Law was used and as you, Mr. Chairman and the learned First Official Member should know, it is the Governor who exercises the powers of the Land Acquisition Law or who makes the award and it is not his Executive Council or the Member, so no Member could be accused of abusing or misusing the law.

MR. BENSON O. EBANKS (COUNTY MUTINO): Reference was made to the swamp land issue in 1976. In 1976 or prior to 1976 and during 1976 a process of land adjudication which had the backing of law, was in progress. The Government of the day did not interfere with legal matters or matters before the courts, therefore the Government could not, at that point, return what it did not have, because the sections were not final and appeals raised against the sections, of land, I am referring to. So I do not think that Members should try to use this opportunity to raise any issues or smear anybody and if we are to judge Government on its history, Mr. Chairman, there are many cases that the Members could quote regarding the abuse of privilege, regarding land.

HON. TRUMAN M. BODDEN: Mr. Chairman, I would like to put straight the facts relating to the two matters, the compulsorily acquisition as well as the swamp land which has now been raised in debate here.

The price that was offered to the Presbyterian Church in that case which was open, was an open tribunal, was less than what the Court finally awarded the church, secondly, and I defended the church on that, because I felt that the award was wrong and a court of law subsequently ruled that the amount offered by the Government and subsequently paid, was insufficient. Now I am not certain how the Land Acquisition Law worked then, but I would have expected that before money was paid there must have been knowledge on the part of Members of the Government as to what amount was being awarded, and in fact the offer that was made was considerably less than what was finally paid and awarded by the Appellate Tribunal, and on top of it, the Appellate Tribunal awarded cost, and I would like to just mention in relation to that, because the question of politics come into it, but when a lawyer acts in court he acts as a lawyer and I would expect that that would be known to the Member.

The inquiry and the award was dealt with by your predecessor, Sir, and it was held that more money had to be paid and the court rejected arguments such as the removal of cemeteries and the parking of cars on top of it which was put forward.

In relation to the swamp land it was stayed, and I believe the Lady Member, also being a defence attorney, or depending whether you were plaintiff or defence at that stage, knows that the Crown stayed that they changed the caution and the claiming of it because of an executive act, they said no more than that and I am merely repeating as it was put in there both, I think by Mr. Donaldson and another Member who represented the Crown. So that I leave with the Member to consider, but this Government has never ever invoked the court procedure of the Land Acquisition Law therefore it means that whatever acquisition may have been dealt with was dealt with and the compensation paid was acceptable. The only time that a case was ever brought was when the church defended and quite rightly because a very substantial sum was later paid to it, together with the costs which went back to the church.

MR. CHAIRMAN: I must remind Members that they are debating the amendment to the amendment and we are getting into historical matters which are not of intimate relevance to the amendment to the amendment.

MR. BENSON O. EBANKS: I would agree with you, Mr. Chairman, but it was the Government side that introduced it.

MR. CHAIRMAN: I was not stating which side introduced it or which side debated it, I am simply making the point.

MR.HERMAN O.JOHNSON: I thank you for that, Sir. I would just like to point out in rebuttal to the last Member's speech that he should make it clear that the court that made the award was under a provision of the Land Acquisition Law, it was not something that was extraneous to the Land Acquisition Law. The Land Acquisition Law provides that if the person from whom the land was being acquired is not satisfied with the price paid by Government, it can appeal to the courts, and the court can then increase or decrease the award, taking into consideration certain things. And I do not know what the judges or lawyers or anybody else said in court or elsewhere and I do not know what is meant by an executive order, but I will invite the Member who has the records of Executive Council as he says or whatever at his disposal to search them and see if he can find where any Executive Council that I attended ever issued any order to change any process of adjudication.

HON.IRUMAN M.HODGES: Mr.Chairman, on a point of order, I thought the Chair had just ruled that these matters are irrelevant and now the Member is going on. You know I've stopped on it because I assumed that what you said was a polite way of saying that we should stay with the amendment and not go into matters which were extrinsic to segent matters relating to that.

MR.CHAIRMAN: I merely asked the forbearance of the House on this. I think we should address our attention to the amendment to the amendment.

HON.JAMES M.HODGES: Mr.Chairman, what I will be saying now will be strictly on the amendment that has been placed on the amendment and I think we have gone further than 50% on this one in trying to get the House to agree to a reasonable solution, but sometimes it is very difficult to foist your love and devotion on somebody and on this score I think it is time we withdrew, and under Standing Order 25 (6) on the motion of the Bill I would crave the indulgence of the House to ask for the withdrawal of the amendment on the amendment and let us vote on the amendment that has been placed.

MR.CHAIRMAN: I am afraid that is not within Standing Order. The withdrawal must be made by the mover of the amendment.

HON.JAMES M.HODGES: Mr.Chairman, I am the.....

HON.D.R.BANNICK: I withdraw.

MR.CHAIRMAN: Withdrawal of the amendment needs the leave of the House, so I will put the question that the House agrees to the withdrawal of the amendment to the amendment moved by the Honourable Attorney-General.

QUESTION PUT: AYES. THE AMENDMENT TO THE AMENDMENT WITHDRAWN.

MR.CHAIRMAN: The amendment to the amendment is consequently withdrawn and we are left to debate the amendment originally moved by the Honourable Member from West Bay.

CAPT. HARRY KIRKCONNELL: Mr. Chairman, the Honourable Member from the Government Bench has given to long efforts to explain to us how infrequent the need for the Land Acquisition Law has been in the past Governments. In view of this, and since it was done under the Land Acquisition Law for the benefit of Government, I fail to see the necessity for this section in the Law at all, and I would endorse the First Elected Member for Cayman Brac in his request that section 25 be removed in its entirety. And as far as it being returned to the Legislative Assembly I gained knowledge yesterday in the dictionary index and history has published the results and I know exactly what it would be when it comes back.

MISS ANNIE HULDAH BODDEN: Mr. Chairman, I do not think there are many people in the Cayman Islands who know more about the history of land than I do, because I have been in the Courts, I have been on the Adjudication Tribunal, I have been in the Appeal Courts and I know a lot of court business. I feel, Sir, that when you touch on people's land you are treading on a human's nerve and the less you have the more eager you are to retain it. I know of only one human being in Grand Cayman who had some land and who considered the poor to such an extent that he gave them a parcel of land and that parcel is now referred to as a slum area. And had it not been for the generosity of this good man most of these people would have been outside because those who can well afford it completely ignored these poor people and it was this man's generosity that caused these people to have a shelter over their heads.

Now the Land Acquisition Law has been used to my knowledge in 1966, that is the first time I recall it being used when they were building the new roads, and at that stage it was used to very good purpose, but there were still a lot of disgruntled people. The next time that I know it was used was when a certain avenue in George Town was being made, known as Goring's Avenue and that, I am sure, but my colleague who was running as a member in the hope of getting to the Legislative Assembly knew his seat completely.

Now, about the church business I am not too sure that that was acquired. As I recall it was priced by the church at an unjustifiable price and it was finally, as I recall, $30,000 paid for it and which I think was well paid.

I am saying, Sir, that we have the Land Acquisition Law and as I understand this Housing Bill it is strictly there for the purpose of having homes provided for the under-privileged people. As I know the Government, Sir, they can go about and have houses built, they need not have this bill for providing for the establishment of a housing project. If they wanted to build a house for a Civil Servant or otherwise they would never have to use this Land Acquisition Law ordinarily, they would go about, the funds would be provided and the building constructed.

If I am to understand this bill the purpose of this is to make provision for the poorer people who cannot afford to build a home and I feel, Sir, that if we ever get as far gone as to go and intrude on private people's residence and home and take a part, say, of their yard land to sell or give away, it would be a mix, so if we are really to have good Government, a good peaceful Island, we had better, I would say respectfully recommend this section 25.

MISS ANNIE HOLMAN WARREN (CONTINUING): This is not for the purpose of getting land for Government buildings, we have the Land Acquisition Law; what we are trying to do is to have a Law enacted to establish the means and process where we can help those who cannot help themselves. This law is too far-reaching, it covers things that will never happen and as has been rightfully said if anything happens and it has to come back to the Assembly this opposition as we are united, we are lost. If we were to suggest something like Moses the Lawgiver did it would be contradicted. We are lost when we hope to get anything, there is no unity, Sir, this may be a little beside the point but I would refer to formerly we used to have regular meetings when we were told such and such a thing was coming up, now we on this side are completely ignored as there is no unity. We are getting nowhere and if we want laws enacted for the good Government of this Island have them done properly here in the House. Thank you, Sir.

MR. CHAIRMAN: Is there any further debate on the original amendment? If not, I will put the question that clause 25 (1) be amended by inserting the words "of Government servants or employees" after the word "housing" in line 3.

AYES & NOES.

MR. CHAIRMAN: I think the Noes have it.

MR. BENSON O. EBANKS: Could I have a division on that, Mr. Chairman?

DIVISION

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|---|---|
| HON. D. H. HANNICK | NO. |
| HON. V. G. JOHNSON | NO. |
| HON. JOHN McLEAN | NO. |
| HON. TRUMAN BODDEN | NO. |
| HON. JAMES M. BODDEN | NO. |
| HON. C. M. IT EGGLESTON | NO. |
| MR. GARSTON SMITH | NO. |
| MR. BENSON O. EBANKS | YES. |
| MISS ANNIE E. HOLMAN | YES |
| CAPT. CHARLES KIRKCONNELL | YES |
| CAPT. ALBERT KIRKCONNELL | YES. |

MR. CHAIRMAN: The results of the Division - Ayes 5 - 7 voices against 7; the amendment is therefore defeated.

I will now put the question on clause 25.

AYES AND NOES

MR. CHAIRMAN: I think the Ayes have it.

CLERK: CLAUSE 26. Power to deal with lands and buildings.

QUESTION PROPOSED:

MR. BENSON O. EBANKS: Mr. Chairman, I would like to move, Sir, that in sub-section (2) (c) in the previous section that the word "Member" where it appears be deleted and the word "Governor" inserted.

CAPT. CHARLES L.KIRKCONNELL (CONTINUING): should anything go wrong he could have the full backing of Executive Council.

HON.JAMES M.BODDEN: Mr.Chairman, if we adopt what is being tabled as an amendment, everytime you had to buy 5 bags of cement you would have to convene Executive Council to get permission to do it, and everytime you go to lease a Government House to one of the Government employees again you would have to bring it back to Executive Council for approval, so that the Corporation would be so tied up in beaurocracy that you would never get anything done, and I would point out to the Member that under clause 3 of this bill that there is established for the purpose of this Law a body called the Housing Development Corporation. Under section 4 the Corporation shall consist of not less than 5 or not more than 9 members as the Governor, which means the Executive Council may, from time to time prescribe, which makes it a statutory body on the same basis as the Port Authority and if we go to the Port Authority law, section 3 subsection (2), it reads thus...."The authority shall have perpetual succession and a common seal and may buy, sell, hold and deal with land and any other property and may sue and be sued in its corporate name. The seal shall be authenticated by the Chairman and one of the Members authorised by the Authority in that behalf and documents not required by law to be under seal may be signed by the Chairman or any other Member or Officer of the Authority authorised by the Chairman in that behalf". Mr.Chairman, here we have two similar bodies, one with a lot more protection than what was done in this one in 1976, where the Member who is so vocally opposing this, was one of the main architects of the structure at that time of Government, and it is difficult to comprehend why this could be allowed to be, let us say, loosely put together and this one here now you are trying to tighten it to where the thing could never operate. That's one of the reasons, I guess, we can never see eye to eye.

MR.BENSON O.EBANKS: Mr.Chairman, I think the point made by the First Member for the Lesser Islands was that in the case of the Port Authority there were named Civil Servants, Public Officials.....

MR.CHAIRMAN: With respect, we are not discussing the constitution of the Authority.....

MR.BENSON O.EBANKS: But Mr.Chairman, it has been raised and I think it should be cleared up.

MR.CHAIRMAN: All right.

MR.BENSON O.EBANKS: In the case of the Port Authority there were specific persons named, Government Servants who had to be on that Authority. In the case of this Law there are just persons to be approved by the Governor in Council and if we look at other Boards which were similarly appointed it does not give, at least me, the confidence to give away or seek to tighten what I am seeking to tighten here now.

Further, Mr.Chairman, the Member piloting the bill said that if this amendment

MR. CHAIRMAN: It has been proposed that clause 26 (1) (a) the proviso thereto be amended by substituting the word "Governor" for the word "Member" in the last line of the proviso.

HON. THOMAS BODDEN: If you are going to put another amendment I will give way to it.

MR. BERSON O. EBANKS: Mr. Chairman, I would also ask that the same amendment be placed in section (b) where "Member" appears on the first line that that also be deleted and substituted by the word "Governor".

MR. CHAIRMAN: It has been proposed that a similar amendment be made by substituting the word "Governor" for the word "Member" in the first line of clause 26 (1) (b). If Members have no objection we could debate both these at the same time.

HON. THOMAS BODDEN: Mr. Chairman, this section, as it now is, carried one further sanction than did the similar corporation the Port Authority Law. Under that law, section 8(2) the whole of the pride and glory of the last Government, the Port, can be sold by the corporation without the sanction of anybody, and this is very clearly borne out - "the Authority shall have perpetual succession and a common seal and may buy, sell, hold and deal with land and other property" and it goes on... "may sue and be sued" so I find it a bit strange how that here we have a revenue earning corporation with large assets who, in 1975, having put millions of dollars of property into it, which were acquired under the Land Acquisition Law, that suddenly they want to bring in a sanction that goes, not just beyond having the Member sanction it, but the whole Executive to actually sanction it. So I do find it a bit difficult to reconcile from a logic point of view and I think, in this instance, we have actually gone beyond that Law, in fact many, many times we have gone beyond that Law and any effort now to put a strangle hold of inflexibility around this law the Government must necessarily oppose and I cannot see where there can be any worry in this respect because not only does the corporation have to make an overt act, file its return, which has to be affirmed in the presence of three people, even though there, there was an effort to reduce down the number of people involved there, here is an effort to increase it. And it really, Sir, from my point of view, does not appear to be a logical approach. In any event, it would be very inflexible, Sir, and I would oppose that amendment.

CAPT. CHARLES KIRKCONNELL: Mr. Chairman, I respectfully submit that the Port Authority, the Authority referred to, is not one person as is the case in this law. The Authority, which is referred to in the Port Authority Law shall be permanent Civil Servants appointed by the Governor, the Financial Secretary or his nominee, the Chief Engineer and the Collector of Customs, who shall be ex-officio Members and not more than four or less than 2 other members who shall be appointed from time to time by the Governor. So what I am saying is that this is too much power in the hands of the Member. When we refer to "Governor" here we are referring to the Governor in Council, as a protection for the Members themselves. I would have thought that he would welcome this amendment, because it would mean that

MR. BENSON O. EBANKS (CONTINUING): was accepted the Authority would not be able to buy a sack of cement without going to Executive Council. This does not deal with anything other than the lease and sale of land. May be I am learning for the first time now why we needed three people to be present at the sealing of the bill, it must be planned to make the next one of cement.

HON. JAMES M. BODDEN: Yes, we will probably buy it from you.

MR. BENSON O. EBANKS: I would give it to you.

HON. JAMES M. BODDEN: I doubt that.

MR. CHAIRMAN: Please make remarks to the chair, gentleman.

HON. JAMES M. BODDEN: Yes, Sir, I am sorry, but it was directed across the aisle at me so I replied in like manner. Do not groan.

Mr. Chairman, under the Port Authority Law again, in rebuttal to what the Member has just said, it is given here that four members other than those listed as Civil Servants, would be selected to head that body, and one of those would be a nominee from the Chamber of Commerce, the other one would be a nominee from a shipping agent, and under the next section then it says about them buying and selling and so forth and so on, and it says "or any Member or Officer of the Authority" so you could have your shipping agent disposing of things under this and still be inside of this Law. So with this bill here, Sir, I am sure that whoever is appointed as the General Manager of this will certainly be a Senior Civil Servant, so where are we going astray with the bill in that respect?

MR. CHAIRMAN: Somewhere hidden in this debate is reference to the amendment and I propose to put the question very shortly.

MR. BENSON O. EBANKS: Mr. Chairman, if the Member is prepared to put in law, in this law that Government Officials are going to be the officials of the corporation, I may change this amendment, but any man or any person who is not prepared to put their signature where their tongue is I am not going to back down.

HON. JAMES M. BODDEN: Mr. Chairman, I can always put more than my tongue when it comes to that, but let me make one thing plain, Mr. Chairman, which the Member should also know I have no rule over the Civil Service or none of us as Members here, I do not know who you are going to appoint or who the Public Service is going to appoint as members to this body, Sir.

MR. CHAIRMAN: I think that this has been debated sufficiently. I will put the question that clause 28 be amended in (1) (a) and (b) by substituting the word "Governor" for the word "Member".

MR. BENSON O. EBANKS: Mr. Chairman, you might as well go on to include subsection (2) as well, because I would propose to move it for that.

MR.CHAIRMAN: Well, I will take that as a formal motion for amendment, that is substituting the word "Governor" for the word "Member" wherever the word appears in either 26 (1) or (2).

There in favour please say Aye

SOME MEMBERS: Aye.

MR.CHAIRMAN: There again I, No.

SOME MEMBERS: No

MR.CHAIRMAN: I think the Noes have it. I will now put the question on the clause.

QUESTION PUT: AYES AND NOES.

MR.CHAIRMAN: I think the Ayes have it.

CLERK: Clause 27 - Transfer of Officers

QUESTION PROPOSED:

HON.JAMES M.BODDEN: Mr.Chairman, I would just like to refer to section 27 subsection (1) and I wonder why I have not heard any comment on that one, because it says that the Public Service Commission may approve the transfer and appointment of an officer from the public service to the service of the corporation or from the service of the corporation to the public service, and section 2 goes on in a similar manner to how the Port Authority is dealt with, so according to this there will be appointments from the Public Service Commission and the Member quite well knows that we have no control over the Public Service Commission as Elected Members of the House.

MR.NELSON Q.EBANKS: Mr.Chairman, this section, as I understand it, deals with the transfer of Public Servants between jobs, this is not the creation of the Authority. These are persons who would be Secretaries, Book-keepers or whatever and I am happy to see that, that is why I am not opposing it.

HON.JAMES M.BODDEN: Yes, Mr.Chairman, in the same way that it is dealt with under the Port Authority. Most of the Members of the Port Authority are there now were Public Servants under the Public Service Commission and were seconded there and in turn are on the pensionable staff through certain payments being made from the Port Authority and this would be in a similar manner. That is the point I was trying to bring out.

QUESTION PUT: AYES AND NOES: CLAUSE 27 PASSED.

CLERK: CLAUSE 28 - Exemption from Stamp Duty and other Charges,etc.

QUESTION PROPOSED:

MISS ANNIE V.BODDEN: Mr.Chairman, I think that this is really going over-board when we are passing legislation to exempt from Stamp Duty; after all we should realise that the most of our revenue is made through the collection of Stamp Duty.

MISS ANNIE B.BODDEN (CONTINUING): Now we have made a lot of concessions. The only thing that I heard ever was refused was the water revolution, I would call it, and I think this is really going over-board. After all, if we are to build these houses, and as I understand it in some instances they would be sold, the very poor people, or I would hope so, would be the only ones that would get their houses for nothing, or probably at a very small price, why should we take the stamp duty off? After all, Mr.Chairman, I think this bill is to an extent lowering the ambition that every old-time Caymanian had and that was to try to put a shelter of some kind. Now we are going over-board to try to help them get a home and we are absolutely depleting the Government funds.

We have voted, as I understand $400,000 to assist; No.1, and that is not all we hear about. And now if we are going to take off the stamp duty from the documents and sundries duties, where in the world will this Government function?

Mr.Chairman, in the last Assembly meeting, I was reading my debate and I recall very vividly that I said we must remember Pharoah's dream; he had years of plenty and that faithful and honest servant Joseph said "You better take care and prepare for the famine that is coming", and Mr.Chairman, we are not always going to have this glorious lot of money all around and I feel that while we should do everything to protect the unfortunate that we should use a little commonsense. Yes everything in Cayman unfortunate, is political, regardless of what it is, from the beauty contest right up or down, laundry, everything, how everything political, and I feel that we must not stretch politics too far. We must not give the impression that we are only striving to help other people - we are, otherwise I would not be here, because I have taken a lot on myself when I studied myself to come on that plane, but I feel it was my duty and I feel that we,who come here, we do not come here just to sit down and be ridiculed and made fun of and ignored and called all kinds of names - we are here to do good for the Cayman Islands as a whole and we cannot do that with this dis-unity. I am saying that we must consider that the other side has some rights, and I am very certain that the average George Tower who has to build a house, not with Government aid, would be very annoyed to know that other colleagues of his, may be some just as wealthy, could get their house materials imported free, and he had to pay the 20% - 15% or whatever the sum. I feel that this is an unnecessary concession and I would ask that consideration be given that this be taken out from the bill.

CAPT.CHARLES KIRKCONNELL: Mr.Chairman, this section left as it is, will not only interfere with Government's revenue but it will also be in competition with private enterprise. There is no stop-gap here or nothing stated in this section that relates it whatsoever to low-cost or medium-cost houses or Government houses. I would like to see a similar clause or amendment to this clause as was made under section 17 sub-clause (3), that would make it specifically relate to Government houses, low and medium income houses.

I would also like, Sir, under the Trade and Business Licensing Law to restrict this licence to the corporation only and not leave it wide open as it is now or anything lawfully done by it. These two amendments I am moving here, asking to be inserted to relate this section and restrict it as section 17 was constructed by the insertion in sub-clause (3) and keep it within the ambit of Government houses, low and medium income houses.

MR. CHAIRMAN: To the Honourable Member suggesting that a proviso be made to cover the whole clause?

CAPT. CHARLES KIRKCONNELL: I would have to ask the assistance of the Attorney-General, I am not a lawyer neither am I a draughtsman, I have just said I would like it reworked, because I feel the powers are too broad and have it related to Government houses, low and medium income houses. Under the Trade and Business Licensing Law the exemption that this bill is seeking here apply only to the corporation and not left wide open as it is now. I am suggesting that we delete the sub-section (3) of clause 22 the words "or anything lawfully done by it".

HON. D.P. BARWICK: Mr. Chairman, Sir, we on this side have listened to what was said during the debate on the second reading and here again this morning, and we would like an opportunity to put forward some considered amendments which may go a long way, if not go completely towards meeting the wishes of all members here this morning. I was wondering whether it might be a convenient time for you, Sir, to consider taking a short adjournment just for me to get words into a somewhat better shape than I would be able to get them into if I am expected to work while the House is sitting.

MR. CHAIRMAN: I will suspend proceedings in Committee for fifteen minutes.

AT 11.32 THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 11.5M a.m.

HON.D.H.BARWICK: Mr.Chairman, Sir, immediately before the House rose I undertook to produce an amendment to the two subsections numbers (1) and (2) of section 28 for the consideration of the House. The suggestions have only this moment been distributed so I think it would be better if we did not go directly on to them.

MR.CHAIRMAN: It may be convenient to deal with these two amendments one at a time. The first one would that clause 28 (1) be amended by adding a Proviso at the subsection (1) of section 28: Provided however that any purchaser or lessee from or mortgagor of corporation shall be liable to pay the whole of the stamp duty on any instrument relating to any transaction with the corporation which would, but for other provisions of this subsection, otherwise be payable.

MR.BENSON O.EBANKS: Mr.Chairman,I am very happy with that amendment.

MR.CHAIRMAN: If it meets the wishes of Members I will put the question on that amendment, the first amendment.

QUESTION PUT: AGREED: AMENDMENT PASSED.

MR.CHAIRMAN: It is proposed that clause 28 (2) be amended by adding in subsection (2) immediately after the word "corporation" instead of the words there at present, the words "in connection with the lawful performance by it directly or any of its functions under this Law".

HON.D.H.BARWICK: If I could be permitted just to make one word of explanation on this, Sir, significance is to be attached to the word "directly" in the phrase which is sought to be added to the subsection. The intention of that word which I am sure will be confirmed by the amendment is to allow goods to be imported only when they are imported by the corporation for use directly by the corporation, so that if it was entering into transactions for the performance of work by others, by persons who would be in the relationship to the corporation of contractor or sub-contractor, and those people were importing or purchasing locally any kinds of materials, even though they were going into corporation houses, they would notreceive the benefit or privilege of the exemption which the subsection as amended would make.

MR.BENSON O.EBANKS: Mr.Chairman, I think this amendment goes a long way to meeting my objections to this section, but I am not sure that it covers everything. As I understood the bill as we were going through it, one section, I think, where funds could be applied to the building of houses generally, it was explained that that meant that the corporation could lend money to persons to build houses on their own property or otherwise and I think there were other arrangements, as well. What I am trying to say is that I want to be sure that the amendment does not, for example, permit the corporation to enter into an agreement with a person or persons to build houses, either wholly, partly by providing material and partly by providing money. As far as I

MR. DENNIS O. FRANKS (MAYFIELD): recall that he assumed in the law and certainly that would be a function that is being done directly by the corporation.

HON. D. F. MACKICK: The subsection relates only to duties of import and in referring to the building of the houses by persons generally, that was one of the powers of financing which the corporation has. It is section 32, Mr. paragraph (a), sub-paragraph (iii), that one must read from the beginning of the section. It is to say, in the financing of the costs of and incidental to the building of houses by persons generally, so that where finance was made available for the citizen to build a house on land which he owned or leased, he would be doing the building and then that building would not be done directly by the corporation.

In the same way, the Honourable Member who addressed the remarks to you, Sir, but, talked about entering into an agreement. Now it is my considered view that if anything was done as a result of an agreement with the corporation, other than by a servant, but by a contractor or a sub-contractor, then that work would be done indirectly by the corporation. It would not be done directly by it and that is the significance of the word "directly" and the reason for the inclusion in the amendment.

MR. DENNIS O. FRANKS: Mr. Chairman, I am wondering if the Member could address himself to section 32(2)(iv) or will?

HON. D. F. MACKICK: It is quite conceivable, Sir, that the corporation could, say in a rural district for some of the purposes of the work that is necessary - that is maintaining and preserving houses including houses used for civil servants which the corporation has in its control for the time being and I think that would be well within the intention of the Government in making this exemption. At that point there would be Government houses and at the moment when such materials are imported, they are imported free from duty and it is our contention that that arrangement should continue.

MR. CHAIRMAN: Is there any further debate on the question?

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: The First Elected Member of Cayman Brac still has an amendment before the House - section (3).

CAPT. CHARLES L. QUINCEMIRE: Mr. Chairman, in view of the new amendment, I withdraw my amendment.

Mr. Chairman, after the word "Corporation," I thought it was to be omitted out in subsection (3) "or anything lawfully done by it". I am still reasoning this to be done, Sir. I see that it has not been done on the new amendment under section 32(3) and I am still requesting that we amend subsection (iii) by striking out the words after "Corporation", "or anything lawfully done by it".

HON. JAMES M. MILLER: Mr. Chairman, I wonder if the Member would be satisfied on that if we were to make an amendment and after the word "done" we inserted the word "directly" which would mean that it would remove all doubt of anyone else having anything to do with exemption of trade unless they trade now.

CAPT.CHARLES L.KIRKCONNELL: Mr. Chairman, I accept that, Sir.

HON JAMES M. SOLOMON: Mr. Chairman, I then move that amendment that we insert the word "directly" in section 38, subsection (3) after the word "done".

MR. CHAIRMAN: We now have an amendment to the amendment that instead of deleting this phrase "or anything lawfully done by it" in subsection (3) of 38, we leave in the words and insert the word "directly" after "done" so that the clause would read: "or anything lawfully done directly by it".

QUESTION PUT: AGREED. AMENDMENT TO THE AMENDMENT CARRIED.

MR.BENSON O. EBANKS: Will the clause as amended now be deleted, Sir?

MR. CHAIRMAN: Yes. The question now is that clause 38 as amended stand part of the Bill.

MR. BENSON O. EBANKS: Mr. Chairman, I am happy with the amendments to section (1) and (2), but I cannot see where the proposed amendment adds anything to subsection (3).

MR. CHAIRMAN: I am sorry, we have just voted through that amendment.

MR. BENSON O. EBANKS: Well I think it makes reference to the Bill.

MR. CHAIRMAN: Well this point should have been taken when we were debating the amendment.

MR. BENSON O. EBANKS: I tried to get to speak at that time, but you just continued with the question, Sir, I am sorry.

QUESTION PUT: AGREED. AMENDMENT TO THE AMENDMENT PASSED.

CLERK: CLAUSE 39. Offences and Penalties in respect of loans.

MR. CHAIRMAN: The question is that clause 39 do stand part of the Bill.

MR. BENSON O.EBANKS: Mr. Chairman, Sir, maybe this is an appropriate place to raise the question of penalties and offences generally. I realize that the clause as it stands deals only with offences and penalties in respect of loans, but.....

MR. CHAIRMAN: I think the Member can make the point in relation to penalty here, but we cannot extend the debate beyond that. It is quite clear that at the Committee stage we must direct attention to the.....

MR. BENSON O. EBANKS: Alright, Sir, I will do it at a later stage.

QUESTION PUT: AGREED. CLAUSE 39 PASSED.

CLERK: CLAUSE 80. Regulations.

QUESTION PUT: AGREED. CLAUSE 80 PASSED.

CLERK: CLAUSE 81. Attorney General's Fiat.

QUESTION PROPOSED.

MISS ANNIE HULDAH BODDEN: Mr. Chairman, clause 81. "Proceedings for offences arising out of the provisions of this Law, or in connection with any Law made hereunder shall not be instituted except by or with the consent in writing of the Attorney General." In other words if the Attorney General does not agree, then there can be no proceedings instituted. Is I understand it that way please?

HON D. R. BARNICK: The intention of this provision, Sir, is that should there be any crimes arising under this Law, which anybody wishes to see prosecuted, the Attorney General should know about the matter and, if necessary, the prosecution should be conducted by his Department.

I, Sir, in decisions which have to be made from time to time with regard to prosecutions, am responsible to this House and it is only appropriate that with a Law of this sort where public monies are involved, that any prosecution which is brought with the knowledge and with the consent of the Attorney General.

The condition about any prosecution, of course is that with power to enter a nolleprosequi, the ultimate control does lie with the Crown through the Attorney General.

MISS ANNIE HULDAH BODDEN: Thank you, Sir.

MR. BENSON O. EBANKS: Mr. Chairman, could I ask whether Members of the corporation would be considered as public servants or public officials: what I am driving at is that I do not see in this Law, anywhere, where it is stated that persons who fail to disclose their pecuniary interests in any matter before the Board, for example where that becomes a penalty, and I am wondering whether the "proceedings for offences arising out of the provisions of this Law" since that is followed by "or in connection with any Law made hereunder" and we have a specific section for loans, I am wondering if it is considered that the offence of not declaring the person's pecuniary interest is covered under the Penal Code or some other Law?

HON D. R. BARNICK: I think perhaps, yes, Sir. I mean if there was dishonesty involved, it would be well covered.

QUESTION NOT AGREED. CLAUSE 81 PASSED.

HON JAMES M. BODDEN: Mr. Chairman, I wonder if you would permit me at this point to make a statement on the Bill, Sir, please?

MR. CHAIRMAN: We still have to take the title.

CLERK: A Law to provide for the establishment of a Housing Development Corporation for promoting the development of housing and for matters connected therewith and incidental thereto.

QUESTION PUT; AGREED. TITLE PASSED.

HON.JAMES M. BOOREN: Mr. Chairman, may I make a statement? I would like to thank all the Members who supported this Bill as well as those who raised various points of objections. Governments come and go and I can only give the assurance to the House that as long as this falls under my portfolio, if section 21 should ever have to be used although it was noted against the amendment that we put to it which would have brought it back to the House, that I will normally use, if it ever has to be used and before it is used, it is brought back for debate by the House.

MR. CHAIRMAN: That concludes examination of a Bill intituled "The Housing Development Corporation Law, 1981". Before I suspend out of Committee, I would like to mention two things. I may have given, inadvertently, the impression that the Clerk's office had something to do with the delay in Members receiving the gazetted version of the Bill. If so, that was not intended - the Bills were sent by the Clerk's office to the editor (ete printer) of the gazette as soon as possible after the Clerk had ensured that the Bills were ready for presentation.

The second point I would like to make is that I have been very lenient in allowing Members to present motions to the Committee without the two days' notice required under standing orders. I did this on this occasion because of the complaints that the gazetted copies of the Bill had not been in Members' hands long enough for study, but this is a discretion which is normally used very sparingly by the chair and I would not like Members to feel that there is an automatic right to put forward amendments to Bills without the notice. It places a very heavy burden on the Honourable Attorney General who has to examine them at short notice and without the research that motions normally require. Thank you.

I will move out of Committee now and the House will resume.

MR. PRESIDENT: Proceedings are resumed.

## IMPRISONMENT (AMENDMENT) LAW, 1981

### REPORT THEREON

HON. D. R. BARRICK: Mr. President, Sir, I have to report that a Bill intituled "The Imprisonment (Amendment) Law, 1981", was considered clause by clause by a committee of the whole House and passed with one amendment and accepted.

The amendment, Sir, comprised the addition of the words by rule made under section 7 after the word "may" where that word first appears in subsection (2) of the proposed new section 37, subsection (1).

MR. PRESIDENT: A Bill intituled "The Imprisonment (Amendment) Law, 1981" has been duly reported and is set down for a third reading.

HON. D. R. BARRICK: Mr. President, Sir, I rise to move that the Bill intituled "The Imprisonment (Amendment) Law, 1981" be now read a third time and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

## THE LIQUOR LICENSING (AMENDMENT) LAW, 1981

### REPORT THEREON

HON. JAMES M. RODDEN: Mr. President, I have to report that a Bill intituled "The Liquor Licensing (Amendment) Law, 1981", was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: A Bill intituled "The Liquor Licensing (Amendment) Law, 1981" has been duly reported and is now down for a third reading.

HON. D. P. BARNICK: There was an amendment to that Law, Sir.

MR. DENNIS G. BRANKS: Mr. President, I think that Bill had an amendment, Sir.

HON. D. P. BARNICK: Perhaps the Clerk could direct our attention to the appropriate amendment.

HON. JAMES M. RODDEN: Mr. President, it appears that I did make a mistake on the reporting of The Liquor Licensing Law and I wonder if I could correct it at this point, Sir?

The amendment was in 22A(b). That was struck out in its entirety and the new wording of it is, "if it appears to the licensee, or his servant as the case may be, that any person in drunk or disorderly or appears likely to cause a breach of the peace or to cause unjustified annoyance to patrons or other users of the premises to forbid such person from entering such licensed premises".

MR. PRESIDENT: The amended report on "The Liquor Licensing (Amendment) Law, 1981" will be recorded as now down for a third reading.

CLERK: The Liquor Licensing (Amendment) Law, 1981.

HON. JAMES M. RODDEN: Mr. President, I move that the Bill intituled "The Liquor Licensing (Amendment) Law, 1981" be given a third reading and passed.

QUESTION PUT: (AMENDED BILL GIVEN A THIRD READING AND PASSED.

## THE WRECK AND SALVAGE (AMENDMENT) LAW, 1981

### REPORT THEREON

HON. A. RALPH HORDEN: Mr. President, I have to report that a Bill intituled "The Wreck and Salvage (Amendment) Law, 1981" was considered clause by clause by a Committee of the Whole House and was passed with the following two amendments to clause 2.

The new section 38A (1), the following words were added after the word "land", "and whether they become wrecks or not, as the case may be, by reason of any Act of God, navigational error or otherwise howsoever -".

HON. A. RAIG BODDEN (CONTINUING): And in the new section 3AC (1), the following words were added after the word "Bulk" in the third line, "as the case may be by reason of any Act of God, navigational error or otherwise".

MR. PRESIDENT: A Bill intituled "The Wreck and Salvage (Amendment) Law, 1991" has been duly moved and is set down for a third reading.

CLERK: The Wreck and Salvage (Amendment) Law, 1991.

HON. G. RAIG BODDEN: Mr. President, I move that a Bill intituled "The Wreck and Salvage (Amendment) Law, 1991" be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

## THE HOUSING DEVELOPMENT CORPORATION LAW, 1991

### REPORT THEREON

HON. JAMES M. BODDEN: Mr. President, I have to report that a Bill intituled "A Law to provide for the establishment of a Housing Development Corporation for promoting the development of housing and for matters connected therewith and incidental thereto" was considered by a Committee of the Whole House and passed with the following amendments.

Section 7, subsection (4), "The Chairman or in his absence any member designated in writing by the Member shall preside at all meetings of the Corporation" was inserted.

Section 7, subsection (5), the word "five" was changed to "four".

Section 9, subsection (7) was a typographical error in the word "comprised".

Section 12, subsection (3) after the word "may" the following words were added, "in connection with the performance of the functions under subsections (1) and (2) -".

Section 33, subsection (1) the following words were added, "Provided however that any purchaser or Lessee from, or mortgagee or, the Corporation shall be liable to pay the whole of the stamp duty on any instrument relating to any transaction with the Corporation which would but for other provisions of this subsection otherwise be payable".

Section 33, subsection (2) the following words were added, "in connection with the lawful performance by it thereof of any of its functions under this Law".

Section 33, subsection (3), after the word "done" on the second line was added the word "bindly".

Those are all of the amendments, Mr. President.

MR. PRESIDENT: A Bill intituled "The Housing Development

.....

MR. BENSON O. EBANKS: Mr. President, under standing order 66 I beg to move - I am at a disadvantage here, Mr. President, because no motion has been put before the House that the Bill be sent to the third reading or that the report be received.

MR. PRESIDENT: I cannot hear the Member...

MR. DENZON O. BRANCH: Pardon?

MR. PRESIDENT: I cannot hear what the Member is saying.

MR. DENZON O. BRANCH: Under standing order 56, a Member who wishes to move a motion must do so before the question has been proposed on a motion for the third reading and I am saying that it appears that normally the Bill is just put down for a third reading without motion and I am wondering if this is the opportunity there for me to make a motion under standing order as I propose to do.

MR. PRESIDENT: It is quite clear that I have a duty to ascertain that a report has been made. Between that point and the Honourable mover of the Bill moving the third reading, the Honourable Member can take action under standing order 56.

The Housing Development Corporation Law, 1961 has been duly reported and is set down for a third reading. The Honourable Member may now make his point.

MR. DENZON O. BRANCH: Mr. President, under standing order 56, I beg to move that a Bill for a law to provide for the establishment of a housing development corporation for promoting the development of housing and for matters connected therewith and incidentals thereto, be recommitted whole to a Committee of the whole House.

HON G. HAIG NISBETT: On a point of order, Mr. President, you cannot do this under standing order 75. I understood him to say 71.

MR. PRESIDENT: Standing order 56 - that is.

MISS ANNIE RUTHA BODDIE: Mr. President, I beg to second that motion, Sir.

MR. PRESIDENT: I propose to put the question to the vote as required by standing order unless the Honourable Member has anything to say?

MR. DENZON O. BRANCH: Yes, Sir, I would like to explain the reasons why I brought the vote.

Mr. President, the motion before the House is primarily as a result of the attention which I called Members of the Committee to yesterday that the Bill had not been properly gazetted. Under the Interpretation Law, Chapter 7(1), there is a requirement that there shall be published contemporaneously with each gazette in supplementary form, all Bills to be presented to the Legislature.

I regret that I did not specifically call attention to standing order 56, but I did make several alternative remarks for remedying the situation and I am humbly submitting that under standing order 56, once the Committee was aware that the Bill had not been gazetted it could have ceased its consideration and reported the progress that had been made on the Bill and it could have been recommitted once to a later or an adjourned sitting.

I also feel that because of this fact and in view of the fact that Members did not receive these Bills very much before the commencement of the.....

HON G. HAIG NISBETT: On a point of order, Mr. President, the Member can only ask for the recommittal of a Bill to amend its provisions, not to determine whether it was properly before the House. Standing order 56 is clear, to delete or amend the Bill or to introduce a new provision in the Bill, or in respect of some particular part or parts of the Bill or some proposed new clause or new schedule and if

HON G. HALL HODGES: the motion is agreed upon, the Bill can be recommitted. It cannot be recommitted to determine whether it was properly before the House - that should have been done at the introduction.

MR. SPEAKER: The point of order is valid.

MR. BENSON O. EVANS: Mr. President, I take that point and if you will play back the tape you will hear that I commenced my introduction by saying primarily on that ground and now I am getting to the last of my argument. And I am saying that because Members did not have sufficient time to.....

HON JAMES M. HODGES: But, Mr. President, under standing order 56 it is completely clear that the Member is out of order in discussing the time factor of the Bill because the only thing he is allowed to do at this time is to introduce a new resolution to the Bill or delete a part of the Bill or amend it. He cannot speak on the principles or question whether it was properly before the House or not.

MR. BENSON O. EVANS: Mr. President, my submission will be very simple then, Sir, that under section 56 I am moving the recommittal because it is my desire to go through the Bill and make amendments to clauses.

HON JAMES M. HODGES: Mr. President, he is still out of order because he should have to name the specific amendment which he proposes to put to it or to delete.

MR. PRESIDENT: It will be useful to have an indication, but I do not think it is necessary for the Honourable Member to specify at this stage.

I propose to put the question to the House. Will those in favour of recommittal please say "aye". Those against "no". I think the "noes" have it.

MR. BENSON O. EVANS: Could we have a division on that, Mr. President? - Sorry for sitting, Sir.

DIVISION

"AYES"

Mr. Benson O. Evans
Miss Anita H Dobbin
Capt Charles Kirkconnell
Capt Mabry Kirkconnell

4

"NOES"

Hon E. R. Davidge
Hon V. C. Johnson
Hon John H Nelson
Hon Truman M. Dobbin
Hon James M. Dobbin
Hon C. Haig Dobbin
Mr. Clinton A. Smith

7

MR. PRESIDENT: The result of the division I think is inaccurate and I wonder if the Clerk could have another look at it. Could the Clerk have another look at the division please?

The result of the division - four voices for committal - seven voices against committal. The motion is therefore defeated and we proceed as normally to third reading.

HON. JAMES M. DOBSON: Mr. President, I move that a Bill entitled "A law to provide for the establishment of a Housing Development Corporation for promoting the development of housing and for matters connected therewith and incidental thereto", be given a third reading and passed.

MR. SPEAKER: The question is that the Bill entitled "The Housing Development Corporation Law, 1981" be given a third reading and passed.

QUESTION PUT: AYES ARE VOTE
MR SPEAKER: I think the "Ayes" have it.
BILL PASSED BY MAJORITY VOTE.

GOVERNMENT MOTION NO. 1
LOANS - CARIBBEAN DEVELOPMENT BANK

HON. V. O. JOHNSON: Mr. President, Honourable Members, I would like to formally move Government Motion No. 1 touching on loans from Caribbean Development Bank. The motion reads:-

> WHEREAS the Legislative Assembly approved this year the construction of roads in Cayman Brac and roads in the Islands to be partly financed by loans from Caribbean Development Bank under the Loans (Caribbean Development Bank) Law, 1977
>
> AND WHEREAS in accordance with Section 3 (1) of the Loans (Caribbean Development Bank) Law, 1977 any loan from this source in excess of CI$250,000 must have the consent of this Honourable House
>
> AND WHEREAS the loans being negotiated with Caribbean Development Bank are CI$1.25 million for the Cayman Brac Road and CI$835,000 for Roads both of which exceed the CI$250,000 limit thus requiring the consent of this Legislative Assembly.
>
> NOW THEREFORE BE IT RESOLVED that this Honourable Legislative Assembly agrees that the Government of the Cayman Islands borrow from Caribbean Development Bank two sums of CI$1.25 million and CI$835,000 the proceeds of which will be applied to expenditure on a Cayman Brac Road and Roads respectively as approved under the Appropriation Law, 1981.

Mr. President, under the Loans (Caribbean Development Bank) Law, it is a requirement of Caribbean Development Bank that all, or any, monies on loan from the Bank must be authorised either by the Executive Council or the Legislative Assembly.

MR. BENSON O. MYERS: Mr. President, I do not know if I am correct, but I thought I understood the Member to mention to state the last figure as being CI$835,000. If that is correct, my copy has CI$845,000. I would just like to get the right figure.

HON. V. O. JOHNSON: Sorry, Mr. President, I thought I said CI$835,000.

HON. D. HAIG MCKOY: Just one minute, Mr. President. Two figures appear in the motion. In one place it reads CI$835,000 and the other CI$845,000. Oh sorry, I take it that the confusion of the Member and my own confusion is that on one looking at the Orders of the Day in which there seems to be a typographical error.

MR. SPEAKER: There is a Mscrremeny in Government Motion No.1 with the notice paper. The figure is different in the preamble and in the resolution clause.

HON. V. G. JOHNSON: Mr. Premident, I am rafully sorry about this. It is a typographical error, but the figure is consistently through CI$835,000.

As I said Mr. Premident, it is a requirement under the Caribbean Development Bank Law, that this authority is received from the Legislative Assembly for any borrowing from the Bank in some whose CI$500,000 because any amount up to that figure can be approved by Executive Council and the two amounts being borrowed from the Bank are in excess of that sum, CI$250,000.

In addition to this, Mr. President, the Cayman Islands must also provide authority for the raising of funds and this is usually covered under a Loans Law which is the Loan (Development) Law currently in operation.

These loans have been mentioned already in Finance Committee. The first in they have been approved however supplementary has been considered, approved by Finance Committee and ratified by this Honourable House.

As was mentioned in the presentation of supplementary expenditure here some days ago, one of the projects involved is the Cayman Brac Port which will cost they Government something in the order of US$1,650,700 of which a loan to the tune of CI$1.25 million will come from Caribbean Development Bank. The rest of the funds, Mr. President, will come from the revenues of this Government.

Concerning the west project, roads, one of those roads will be the extension of this Bluff road going east and another is the new road between West End and Northside on the periphery of the constituency. Both roads, it is hoped, will begin shortly or as soon as public works can arrange to begin construction.

I recommend this motion, Mr. President. As I said it is just a formality which Caribbean Development Bank requires of this Government and as soon as this motion is approved, the loan agreements will be concluded with the bank and the money can be applied for.

I therefore request Honourable Members to give this motion their kind consideration and approve it.

Thank you, Sir.

MR. SPEAKER: The question is that this House do resolve that this Honourable Legislative Assembly approve that the Government of the Cayman Islands borrow from Caribbean Development Bank the sum of CI$1.25 million and CI$835,000 million the proceeds of which will be applied to expenditure on a Cayman Brac Port and Road respectively as approved under Appropriation Law, 1991.

The motion is open for debate.

MR. BENSON O. EBANKS: Before the debate starts, Mr. President, I think you inadvertently, when you got the correct amount, said CI$835,000 million.

MR. SPEAKER: CI$835,000 thousand, I should have said.

CAPT. CHARLES A. KIRKCONNELL: Mr. President, I am indeed grateful to the Financial Secretary and to other Members of this Assembly. I am very happy that the money for the Port has been approved. It is now a reality in spite of those hating Members who have acted deliberately to stop the Port from going through.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): The money for the Bluff road, Mr. President, I know that we have only gotten approximately 90% of what we requested. However, Sir, if my figures are correct, it will mean our section here in Cayman Brac of the CI$285,000 will be in the vicinity of CI$315,000 which is earmarked for approximately 3.2 miles of road. I feel, Mr. President, that when Cayman Brac gets the Port, when the contract is complete and when the road through the Bluff has been cut through, Cayman Brac will be able to stand on its own feet. I feel that at that time this constituency will be a credit to the community and will assist the Cayman Islands further in development and alleviating people here.

I thank you, Mr. President.

HON. CRUMAN G. HURLEY: Mr. President, I rise to support this motion as I think I have done, and all other Members, in relation to the very large medical expenditure increase that this is a part of. This is a part of approximately 64% more capital than was appropriated last year and is in part of US$3 million expenditure on the Port.

All Members of this Government have supported and continue to support matters of this sort and in fact I can state candidly that this, as well as just about all expenditure that has been asked for by the First Official Member on the other two Elected Members for Cayman Brac and Little Cayman, have been granted. I think the Islands very much deserve a Port, they deserve the support, they deserve the road and they are getting equally their fair share of what perhaps in the past they did not get.

The remainder of the money in relation to, or such part of the money that goes towards the road, is I think once again important as we have seen how the road here, which links the north with the south side with the lovely building sitting quietly inland, has improved the Island and with this large appropriation of funds, I am sure, I would like to say, Mr. President, on the best wishes of all Members of this Legislature for the future development here.

MR. PRESIDENT: Are there any other speakers? Does the Honourable mover wish to reply?

HON. V. G. JOHNSON: Mr. President, I would only like to thank those who spoke and supported the motion.....

MR. PRESIDENT: I am sorry, I have caught the eye of one Member who wishes to speak.

MR. BENSON O. EBANKS: Yes, Mr. President, I would love to support this motion and why I was a bit delayed in catching your eye was I was trying to get a note across on what might be a technicality and maybe I would draw the attention of the learned, I am not sure whether he is First or Second Official Member, to this before I really get into the meat of my speech and that is I would just like to ask him to have a look and see whether "and roads respectively" have not been left out in relation with the Vote and as I understood the motion, a portion of the total vote for roads is being used in Grand Cayman.

Anyway, Mr. President, I rise to support this motion and while it may be true that the Brac is getting greater figures in terms of capital development, I am sure that the Members and people of the Brac know that the Government of these Islands has always done all that it could to foster development in the Islands.

HON. BENSON O. EBANKS (CONTINUING): I can only say that as long as I am a Member of the Legislative Assembly, I will sometime, whenever possible, to support measures which are for the good government and welfare of the people of the Lesser Islands as well as the people of Grand Cayman.

Thank you, Mr. President.

MISS ANITA MARIAH DONRAY: Mr. President, I rise to support this motion. I feel that we who all sometimes the "big" people, the "big" states should take care of the "smaller" states and I feel that we, as the representatives from Grand Cayman, should not only protect the "big" Island, but take care of the "smaller" ones. We have, Mr. President, as you will see, some very good projects and buildings, etc, which we have put on Grand Cayman - now I feel it is only our bounden duty to see that Cayman Brac and Little Cayman also get some results.

I must tell you, Sir, I was somewhat perplexed at a special meeting when I heard certain statements made that we would say will not have that port. We do want a port. Mr. President, when we, and when I say we, I include myself, made a statement to have the port fixed in Cayman Town, we had solidarity beyond measure and that port, I am sure was one of the special things that has caused this prosperity. And I hope and pray and trust that the same will apply to Cayman Brac. This port will be the means of developing the Island more fully, bringing in people and having a good, good, good place where boats can land.

Maybe, Mr. President, if I have in my next three years to come to Cayman Brac, I might prefer to come by boat and I would love, at that time, to be able to land at the port.

Thank you, Sir. And before I go any further I should like to say that I have enjoyed my visit here. It took something out of me to make up my mind to fly, but since I am here I see that the people of Cayman Brac and Little Cayman appreciate what we try to do. Although we are the weak side, the opposition, I feel that any good sentiment must have an opposition and I am very proud to be associated with the opposition and to try to put the other side on the right side sometimes.

Thank you, Sir.

CAPT. HARRY S. MCKOONELL: Mr. President, I rise in support of this motion and I would like to thank all the Honourable Members of this House in supporting progress for my constituency and I assure you, Sir, that we shall give ourselves and it to our duties. And we shall improve Cayman Brac and Little Cayman to where it can take its equal stand with Grand Cayman. And it is our desire now to be a diary on Grand Cayman with the oil transfer terminal and the other industries that may have and we are hoping that we can likewise contribute revenue and carry on for our continued growth.

Thank you.

HON. V. G. JOHNSON: Mr. President, Honourable Members, I wish to thank all the speakers who spoke on the motion and who supported the motion. There was a question raised as to whether roads, in the variable mention in the last but one line, was referring to roads in the Cayman Islands, but the opening paragraph of the motion says "roads in the Islands" - and the Islands mean the Cayman Islands and therefore it follows right through in the resolution and in the motion mention that roads refers to roads in the Cayman Islands. In fact an assurance is given to this Honourable House that the money to be spent on roads will be roads within the Cayman Islands.

Mr. President, I recommend the motion as amended in the resolution.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 7 AGREED.

ADJOURNMENT

HON. D. D. DARWICK: Mr. President, Sir, I rise to move that this House be now adjourned, but before we, and in the absence of the First Official Elected Member, I would not like the occasion to pass without commending the Clerk of all Members, both Elected and Official, both Government and non Government, as the people of these Islands and to thank him personally, for their courtesy, for their helpfulness and for the way in which they went out of their way to entertain us when the business of the House was over.

I think Sir, I should say a well deserved tribute to the Clerk and her staff who once again have performed a miracle and made our deliberations here both efficient and convenient. I beg to move.

MR. PRESIDENT: The question is that this House do now adjourn.

QUESTION PUT: AGREED. THE HOUSE STANDS ADJOURNED SINE DIE.

THE [illegible] MEETING OF THE (1991) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON WEDNESDAY 28TH AUGUST, 1991

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CMG., CBE. - (PRESIDENT)

GOVERNMENT MEMBERS

| | |
|---|---|
| HON. D.E. FOSTER, CBE., JP. | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS |
| HON. DAVID R. BAERWICK, CBE. | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON. V.G. JOHNSON, CBE., JP. | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON. JOHN B. MCLEAN | MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES |
| HON. [illegible] M. BODDEN | MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES |
| HON. JAMES M. BODDEN | MEMBER FOR TOURISM, AVIATION AND TRADE |
| HON. G. HAIG BODDEN | MEMBER FOR COMMUNICATIONS AND WORKS |

ELECTED MEMBERS

| | |
|---|---|
| MR. CARSTON J. SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. DALMAIN D. EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. BENSON O. EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR. W. NORMAN BODDEN, MBE. | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MRS. LUCILE M. BODDEN, OBE. | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT. G.A. KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CMDR. MANNY N. KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR. CHADDOCK BRANAN, JP. | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE. |

ORDERS OF THE DAY

NINTH DAY

WEDNESDAY, 26TH AUGUST, 1992 AT 10:00 A.M.

1. PRAYERS BY THE REV JOHN I GRAY, M.B.E., B.SC.

2. REVIEW OF THE FINANCE COMMITTEE

BY CHAIRMAN: HON. V. C. JOHNSON, C.B.E., J.P.

TO BE LAID ON THE TABLE

THE CHAIRMAN TO MOVE THAT THE REPORT BE ADOPTED

3. QUESTIONS

MISS ANNIE RULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND TRADE

NO.29: Who authorised the employment of Lord Carnegie as a Trade and Industry Representative in the United Kingdom?

(a) What advantages have been derived by this territory to date as a result of this appointment?

(b) What is the total cost to this Government per annum for this representative -
(i) Salary
(ii) Travelling
(iii) Miscellaneous expenses?

(c) Will the Member state if any similar appointments have been made in other countries?

(d) If the reply is in the affirmative, would the Member state the approximate cost for such services in those countries?

MISS ANNIE RULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO.30: (a) Will Government give consideration to importing at least six fully qualified policemen to add to the present force in an effort to curb the increased crime wave?

(b) Will consideration be given to re-introducing "Corporal Punishment" for all convicted persons who have committed crimes, in an effort to stop the present crime wave?

or alternatively:

(c) Amending the Penal Code Law, etc., by increasing the fines and penalties thereunder?

MISS ANNIE RULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE LANDS & NATURAL RESOURCES

NO.31: Will the Member make a statement concerning the excavation of large amounts of sand from the sea opposite the Moon Bay Development in Prospect Bay -
(a) Who granted permission for the excavation of sand?
(b) Who is selling and disposing of the sand?
(c) To whom is it being sold?
(d) Who is collecting the money?

MR. BENSON O. EBANKS OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO.33: Will the Member state whether a decision has been taken by Executive Council to replace the functions of the Government Information Offices by an entity allegedly to be known as a Public Information Centre?
If the answer be yes, has an appointment been made?

MR. BENSON O. EBANKS OF WEST BAY TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER

NO.33: Recently applications for appointments as Notaries Public have been refused on the grounds that Government has taken the decision that appointments will be restricted to persons with legal training only.
Will the Member make a statement?

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO.34: Will the Member make a statement with regard to the new Farm Development Plan and when will it be implemented?

NO.35: How many land transactions have been made from January to 31st July, 1981 and how do they compare with 1980 over the same period?

MR. W. NORMAN BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND NOMINATED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO.36: Will the Member make a statement regarding progress on the establishment and equipping of a sports/cultural centre - funds for which were approved in the 1981 Estimates?

MR. W. NORMAN BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS & WORKS

NO.37: Will the Member state if the traffic study conducted by Mid South Engineering Company has been received and if so has the study proposed the use of traffic lights in the George Town area?

4. GOVERNMENT BUSINESS

BILLS: (i) THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1981
(Member in Charge - Hon. V.G. Johnson, C.B.E., J.P.)
FIRST & SECOND READINGS AND COMMITTEE THEREON

(ii) THE PENAL CODE (AMENDMENT) BILL, 1981
(Member in charge - Hon. D.R. Banfield, C.B.E., Q.C.)
FIRST & SECOND READINGS AND COMMITTEE THEREON

(iii) THE CRIMINAL PROCEDURE (AMENDMENT) BILL, 1981
(Member in charge - Hon. D.R. Banfield, C.B.E., Q.C.)
FIRST AND SECOND READING & COMMITTEE THEREON

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WEDNESDAY, 26TH AUGUST, 1981

10 a.m.

MR.PRESIDENT: The Assembly is in session. I shall ask the Rev. John Gray to say prayers.

REV. JOHN P. GRAY: 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 foundation 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 the Executive Council and the Members of the Legislative Assembly that they may be enabled faithfully to perform the responsibilities duties of their high offices.

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

Our Father, which art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil

For Thine is the kingdom, the power and the glory, for ever and ever, Amen.

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

MR.PRESIDENT: Please be seated.

REPORT OF THE FINANCE COMMITTEE

HON.V.G.JOHNSON: Mr.President, I beg to move that the Report of three meetings of the Finance Committee, namely a meeting held on the 20th of November, 1980, another meeting held on the 8th of June, 1981, another on the 9th of July, 1981, be laid on the Table of this Honourable House.

MR.PRESIDENT: So ordered.

HON.V.G.JOHNSON: Mr.President, the first meeting mentioned here, which was held on the 20th of November, 1980, pertained to a submission made to Government to cover certain short falls in a loan repayment of the Cayman Airways $1MM loan.

The amount involved was the sum of $943,000 and it was proposed that $350,000 of that sum be used for the purchase of shares in Cayman Airways and that the balance of it, $593,000 be given as an advance to Cayman Air Holdings, Limited and that the charging of those funds be documented at a later date.

Mr.President, since that time Finance Committee has appointed a sub-committee of its Members to look into the financial affairs of Cayman Airways and to report back to the

HON.V.C.JOHNSON (CONTINUING): Committee on that these advances can be dealt with and the question of contribution towards the payment of the loan settled.

The Committee is still carrying out its investigations. This has been delayed because the audited accounts of the airline have not yet been submitted to the sub-committee. But I presume that this will soon be provided, when the matter will be settled and a recommendation made to Finance Committee.

And so the sum of $842,000 approved by Finance Committee on the 20th of November, 1980 is submitted for the formal approval of this Honourable House.

Mr.President, the other meeting held on the 8th of June, 1981 dealt with the purchase of computer by Government. The matter was submitted to Finance Committee at the Budget Session in March with a recommendation that the Government investigate and improve its computer service in Government and certain recommendation was made as to the size of the unit and the make of the unit. However, Finance Committee was fair to request that we seek outside advisory service on the improvement which was proposed to a computer service and also for advice on the type and make of such equipment.

We requested, through British Executive Services Overseas in the United Kingdom the services of Mr.Jeffrey who is an expert in this field. He came here, carried out his duties and his report was made and submitted to Finance Committee. At the meeting on the 8th of June, 1981 Finance Committee accepted Mr. Jeffrey's report and recommended the purchase of a Digital Computer at a cost of US$780,000. Provision was made in the current year's estimates for this expenditure and so there was no need to recommend any specific sum. This meeting was merely to give authority to Government to move on with the purchase of the equipment.

The other meeting, Mr.President, held on the 9th of July, 1981 was one to report the current status of the airport terminal project at Owen Roberts International Airport. No specific sum was yet determined as the total cost for the project. What was known, however, was the estimated cost of the control tower which would be built separate and apart from the terminal building. The tower would cost approximately $500,000. What we also knew at that time was that specialized equipment for both the terminal and the tower would cost in the vicinity of $350,000 and so Finance Committee gave its blessing to the procedure which was adopted to deal with the designing of the terminal building and also gave authority for the sum of $500,000 to be spent on the control tower and $350,000 on specialized equipment. The Legislative Assembly is now requested to approve these two sums, $500,000 and $350,000 as recommended by Finance Committee on the 8th of July, 1981.

I would now request Honourable Members to accept this report and approve the amounts as stated which were recommended by the Committee.

MR.PRESIDENT: The question is that the report of the Finance Committee dated 20th November, 1980, 9th June, 1981 and 8th July, 1981 be adopted. Under Standing Order 67 (4)In a motion such as this the House shall thereupon be deemed to agree to the motion, or the motion as amended, as the case may be.

## QUESTIONS

**MISS ANNIE KILLIAN BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND TRADE**

NO.23: Who authorised the employment of Lord Darough as a Trade and Industry Representative in the United Kingdom?

(a) What advantage have been derived by this territory to date as a result of this appointment?

(b) What is the total cost to this Government per annum for this representation

(i) Salary

(ii) Travelling

(iii) Miscellaneous expenses?

(c) Will the Member state if any similar appointments have been made in other countries?

(d) If the reply is in the affirmative, would the Member state the approximate cost for such services in those countries?

ANSWER: The appointment of Lord George Darough as the Cayman Islands Trade and Industry Representative in the United Kingdom was made by Executive Council on a motion presented by myself.

(a) Advantages derived by Government as a result of this appointment are, the promotion of Trade and Industry for the Cayman Islands in the United Kingdom, the provision of counsel and advice to Government on how UK legislation may affect the Cayman Islands, and to research and promote in such areas. Benefits from actions such as this is like a seed being planted and nurtured until it bears fruit.

(b) The annual cost for this representation will be CI$20,000 for fees and up to but not exceeding CI$10,000 for Telephone, Telex, Mailing Charges, Out-of-Pocket expenses and travelling.

(c) A similar appointment has been made in the United States of America.

(d) The approximate cost for such services in the United States of America is CI$60,000.00 per annum.

SUPPLEMENTARIES:

MISS ANNIE K.BODDEN: Mr.President, with your permission, I should like to ask a supplementary question, what has happened to the West India Committee who formerly represented the Tourist Board?

HON.JAMES M.BODDEN: As far as I am aware, the West India Committee is still located in London, England.

MISS ANNIE K.BODDEN: Another supplementary, Sir, under what vote is this amount being paid?

HON.JAMES M.BODDEN: I think the Member should be fairly well aware of that as well as myself that there was a vote in the budget calling for such things when the budget was presented in January (or February).

MR.BENSON O.EVANS: With your permission, Mr.President, a supplementary. In the answer the figures given total $90,000(sic $50,000) to the best of my knowledge the figure voted in the estimates is $60,000. Would the Member say how the difference is made up?

HON.JAMES M.BODDEN: There are other votes in the budget, and I am sure the Member speaking is quite cognisant of the fact that amounts can be vired from one budget into another.

MISS ANNIE H.BROWN: Mr.President, with your permission a further supplementary question. Was the Foreign and Commonwealth Office approval of this appointment, or I should ask, these appointments?

HON.JAMES M.BODDEN: To the best of my opinion, it is not necessary for the Foreign and Commonwealth Office to approve of these, because this deals with a part of a portfolio which is Trade and Industry. But I do believe that they have given their acknowledgement of them through His Excellency the Governor.

MR.BENSON O.EVANS: Mr.President, a further supplementary, with your permission, Sir. Would the Member state whether the West India Committee still represents the Government Tourist Board and for matters of trade in London?

HON.JAMES M.BODDEN: I do not believe you could have said that it represented the Tourism Department as such, but if the Member will search the budget for this year he will see that an appropriate amount was in the budget for the West India Committee.

MR.BENSON O.EVANS: A further supplementary, Mr.President. Would the Member state whether any of the money allocated to the West India Committee was vired to pay the excess on this appointment or these appointments?

HON.JAMES M.BODDEN: I do not keep the financial accounts of Government but I am sure it has not been done that way.

MISS ANNIE H.BROWN: Mr.President, with your permission, I should like to ask another supplementary question. To whom is this Land Garrish reporting?

HON.JAMES M.BODDEN: Directly to me.

MR.BENSON O.EVANS: A supplementary, Mr.President. Could the Member state if any specific benefits have been derived since this appointment was made?

HON.JAMES M.BODDEN: The answer to that, Sir, is like when I said in the present answer - it is like a seed being planted to bear fruit and the results will come in due course.

MR.PRESIDENT: If there are no further supplementaries, we can go on to the next question.

HON.TRUMAN M.BODDEN: Mr.President, what I would like to clarify in relation to this, on a point of order, it appears that there are more than 3 questions placed in the Lady Member's name on the list and I would like you to just rule that if she does deal with what is regarded as Question No.30 which clearly is three different questions, that you would deem the (a) to be a question, the (b) to be a question and the (c) to be a question, because it is made very clear in the Standing Order 23 (2) that not more

HON.TRUMAN M.BODDEN (CONTINUING): ...then three questions requiring an oral answer shall appear..... naturally the reason being to permit other Members to get in their three questions during the one hour period.

MR.PRESIDENT: As this has been put down as one question on the Order Paper I am going to allow it as one question, but I think the Honourable Member has a point that where questions are put in several parts the several parts should all relate to each other, in other words, a multiple question of this kind should not cover different subjects, but as it is on the Order Paper for today I will allow it as one question.

MISS ANNIE E.BODDEN: Mr.President, I do not want to break any rules of the Assembly or to get any special concession whatsoever. If the Members are afraid of answering questions, just please answer No.30 (a) and leave the others to have a written answer.

MISS ANNIE HILDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER)

NO.30: (a) Will Government give consideration to importing at least six fully qualified policemen to add to the present force in an effort to curb the increased crime wave?

(b) Will consideration be given to re-introducing "Corporal Punishment" for all convicted persons who have committed crimes, in an effort to stop the present crime wave? - or alternatively

(c) amending the Penal Code Law,etc., by increasing the fines and penalties thereunder?

ANSWER: (a) It is unlikely that our Salary Scales for the Police Force would attract any policemen from the United Kingdom. Six policemen on a 7 day week would only allow one per shift which would have little or no effect. The Commissioner of Police feels that a well trained Caymanian would adequately carry out the role of a police officer as will be an imported officer on a temporary basis. In cases of emergency, arrangements will be made to recruit officers for short periods.

(b) No. It is thought unlikely that the Secretary of State would sanction the re-introduction of corporal punishment in a dependency. The Government does not accept that a recent increase in certain types of crime constitutes a crime wave. Information available indicates the offences in question have been both sporadic and committed by a small number of offenders, some of whom are already in custody.

(c) Already before these meetings is one Bill increasing the punishments for offences under the Penal Code. Other punishments under our laws are currently under review.

MR.CHADDOCK EBANKS: Mr.President, one supplementary. Could the Member say then if any consideration has been given that police may be recruited from any other area than the United Kingdom?

HON.D.H.FOSTER: Mr.President, even now in the force, we have a few from other Caribbean territories.

MR.CHADDOCK EBANKS: Mr.President, when I asked that supplementary it was on the basis of countries like Canada, or Australia or such territories, not the Caribbean area.

HON.D.H.FOSTER: Mr.President, we have been recruiting locally, Sir, and training locally and up to this point we really have not seen the necessity to bring in from anywhere else. One has got to remember, Sir, that when you bring in foreign people and put them alongside locals in most cases you pay for a lot of problems.

MISS ANNIE E.BROWN: Mr.President, I should like to ask another supplementary question. Did I understand the Member to say that the crime wave is not on the increase?

HON.D.H.FOSTER: Mr.President, I said no, the Government does not accept that the recent increase in certain types of crime constitutes a crime wave.

MR.DENNIS A.BROWNE: Mr.President, a supplementary. If information is available that the offences are being committed by a small number of offenders, why are only some of these people in custody and not all?

HON.D.H.FOSTER: Mr.President, most of these cases are pending, and I do not want to go too deep into them, but there are not too many more to be caught up with, Sir. I should not like us too long on the future, but most of them have been in custody now.

MR.PRESIDENT: Proceed to next question.

MISS ANNIE E.BROWN OF DEVONSHIRE TOWN TO ASK THE HONOURABLE FIRST NAMED MEMBER REPRESENTING FOR AGRICULTURE LANDS AND NATURAL RESOURCES

QUESTION: With the Member make a statement concerning the excavation of large amounts of sand from the sea opposite the Moon Bay development in Pease Bay -
(a) Who received permission for the excavation of sand?
(b) Who is building and disposing of the sand?
(c) At what is it being sold?
(d) Who is collecting the money?

ANSWER: Permission was granted by the Government for removal of turtle grass and excavation of the seabed along the sea frontage of Moon Bay Development at Pease Bay to create a swimming pool. A licence fee of $10,000 was charged and paid by the developer. No permission has been granted for the sale or removal of sand.

MISS ANNIE E.BROWN: Mr.President, with your permission, a supplementary question. Could I be informed what will happen to the mound of sand which I see presently at this Moon Bay section?

HON.JOHN D. HOLLIS: Mr.President, it is my understanding that an application has been to the Central Planning Authority for the removal and sale of sand.

MR.DENNIS A.BROWNE: Supplementary, Mr.President.Could the Member say what is out of pocket is involved?

HON. JOHN D. HOLLIS: Mr.President, I think the area in question measures [illegible]

MR. HENSON O. EBANKS: A further supplementary, Mr. President. Could the Member give assurance that the fee charged in this instance is consistent with fees charged for development of other similar Crown property?

HON. JOHN B. McLEAN: Mr. President, the answer is yes.

MR. PRESIDENT: We go on to the next question.

MR. HENSON O. EBANKS OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO. 32: Will the Member state whether a decision has been taken by Executive Council to replace the functions of the Government Information Officer by an entity allegedly to be known as a Public Information Centre? If the answer is yes, how an appointment been made?

ANSWER: An agreement has been signed between the Government and the Cayman Islands News Bureau for the provision of a government communications service as from 1st September, 1981.

In view of the retirement in January, 1982 of the present Government Information Officer, an opportunity is being taken to extend the flow of government information to the public and organs of the press. To this end an experienced civil servant is being recruited through the Foreign and Commonwealth Office to join the staff of the News Bureau and to be responsible for this section of its service. The programme proposed will ensure both the domestic and international scene in the areas of (a) News and Information, and distribution of news from all portfolios, to keep the public correctly informed; (b) Public affairs through a public education function of presenting all issues and information about Government services to the benefit of the community, to provide a better understanding and a clear knowledge of the individuals' rights and entitlements, and (c) Development by the promotion of all aspects of Cayman Islands life and opportunities to the public in all its markets to further the country's national goals.

At present only the development responsibility for tourism is being effectively implemented by the News Bureau's staff and it is felt to be vital that all services be operated and co-ordinated by one professional agency to realize optimum benefits for the country.

CAPT. CHARLES KIRKCONNELL: Mr. President, supplementary. Why was this post not advertised in the customary manner and in keeping with Government Regulations, when other posts have to be filled, they are normally advertised. Why was this post not advertised, Sir?

HON. D. H. FOSTER: Mr. President, it is not exactly a post as such, there is going to be one person added to an already existing office and staff, that person will report through me and everything but will not be in the Government as such. He will be a part of another company with responsibility to me. It is a little different than just a new post in the service, but it is an agreement with an organization.

MR.HERBERT O.EBANES: Mr.President, a supplementary and I want to have this point very clear. Am I to understand that the post of Government Information Officer as such is being abolished and that this function is being taken away in its entirety by the Cayman News Bureau which is a private company, having no responsibility or control under Government's General Orders?

HON.D.E.FOSTER: I can make that one very clear, Sir. The Assistant Secretary person who now holds that post will not cease, but the information service now given or now provided by that post will cease. That officer will continue to help me more than is being done now. Certain aspects of that officer's duties will be retained within Government, like the Government Gazette, which also now handles will probably be put in another Department, where it is best suited, I am not sure exactly where it will go yet, but the post as Assistant Secretary will remain. I do not think it is quite right to say that they have no responsibility to Government, they must certainly have responsibility and it is written in the agreement that they are to be responsible to me, Sir.

MR.HERBERT O.EBANES: Mr.President, would I be told at what cost will this service be provided to Government?

HON.D.E.FOSTER: Mr.President, I forgot to bring, although I did not have the agreement handy, because it is an attachment to that, but it is made up in a use amount, plus other incidentals that might occur, like photography and other things that might have to be done. I think it runs about somewhere around the vicinity, with the additional staff, not just the one person, because there is going to be some additional staff, somewhere within the vicinity of $10,000 a month.

MISS ANNIE H.BODDEN: Mr.President, am I to understand that information given to this Department, or whatever you choose to call it, is that strictly for publication or should or would Government's private information be handed out to the public to distribute?

HON.D.E.FOSTER: Mr.President, many experts who have come here to do investigations for us the first thing that they tell us is running up to that we are sadly lacking in communications between the Government and the public, and this is what we are trying to over-come. The information, they will go out and seek this, if a portfolio like agriculture has special projects on, they will put it together and give it to the press and to the radio so that people will know what is going on. This is what is happening to us now the people do not know what is going on and we want to try and educate them a little better in what is going on, in every Department, in every portfolio.

MR.HERBERT O.EBANES: Mr.President, a supplementary. Why was this job or service not advertised to be bid on in a competitive way or I understand Government procedure requires?

HON.D.E.FOSTER: Mr.President, a proposal, a formal proposal well put together was presented to us, Sir and our Government partially accepted the proposal. We did not accept everything in it but we accepted the part that suited us, and the Government accepted it.

MISS ANNIE H.BODDEN: Mr.President, I should like to ask another supplementary question. As I understood, it was that the press would have this information. I am asking if it is not a known

MISS ANNIE B. BODDEN (CONTINUING): fact that the press is at present controlled and that not everything that we want in the press goes in?

HON. E. F. FOSTER: Mr.President.....

HON.JAMES M.BODDEN: Mr.President, I think that is out of order, the press is not controlled.

MR.PRESIDENT: I think we are going astray and rather far from the original question.

MR.BENSON O.EBANKS: Mr.President, could I ask where in the Estimates the provision for this expenditure included and by whom was it authorised?

HON.E.F.FOSTER: Mr.President,for 1962 it is being budgeted for under my Department, for the balance of the year I think we are about to seek supplementary,I am not dead sure on that, Sir.

MR.BENSON O.EBANKS: Mr.President, am I to understand then that an agreement has been entered into before the permission, the financial permission and provision has been made?

HON. E. F. FOSTER: Not exactly, Sir, because if the Assembly does not want to vote the money for the balance of the year I guess we could get it from somewhere else that has already been voted.

MR.BENSON O.EBANKS: Mr.President, further supplementary. The Member stated that a proposal was put to Government and it was accepted. would the Member state whether in light of some of the actions of employees of this organisation in the past, which the Cayman Islands, does not wish Government to consider inviting bids from other institutions for this service?

HON.D.H.KIRKCONNELL: Mr.President, first, I did not say we accepted the proposal. I said we accepted portions of it that suited us to accept. We did not accept the whole thing, naturally. And secondly, Sir, I know nothing about any actions of some of the employees of Cayman News Bureau that happened here that would make us not to deal with them. I know of nothing, Sir.

MR.BENSON O. EBANKS: Mr.President, would I ask the Member then if he would enquire into a fatal accident on the West Bay Road, an automobile accident on School House Road and some other incidents by members of this organisation?

HON.D.H.FOSTER: Mr.President, I am afraid I cannot agree with the Member that that is relevant to the company at all. I mean to say if a company has an employee that gets in some vehicular provision I do not think that should be held against them by us.

MR.BENSON O.EBANKS: A further supplementary, Mr.President. Would the Member state whether Government intends to get an impartial news and flow of information to the public from this organisation?

HON. D. H. HUNTER: Yes, Sir, most certainly so. We are not dealing with the whole organization as such, the organization has the agreement, but we are going to be dealing with a particular Member of staff that has had experience in Government information before, Sir, and he will be directly responsible to me.

MR. BENSON O.EDWARDS: A supplementary, Mr.President. If the person is an employee of a company, surely the employer will also have allegiance and be under the control of the company.

HON.D.H.HUNTER: Mr.President, all I can say, Sir, if we see it is not going to work, we can easily cancel it.

MR. BENSON O.EDWARDS: A further supplementary, Mr.President. Is the Member aware that at least in one instance an applicant for a job with this company was asked for whom did her parents vote in the 1976 election....

HON.TRUMAN M.BODDEN: I am taking a point of order, there: I think the Member is completely out of order in that respect. He must remain within the question, he cannot go out-side the ambit of it and he is really getting into the question now of an election sometime back ago, which I do not think he is entitled to raise.

MR. BENSON O.EDWARDS: Mr.President, I am dealing with the question of impartiality.

HON.TRUMAN M.BODDEN: Where that arises in that question as it now is, this has been introduced.

MR.PRESIDENT: I do not think it is a question that the Honourable Member can be expected to answer, it is outside his knowledge.

MR.ANNSON O.EBANKS: May be it would help by way of information, Sir.

MISS ANNIE H.BODDEN: Mr.President, am I to understand then that Government employees do not have to be properly screened as to their behaviour?

HON.TRUMAN M.BODDEN: Once again I am objecting to that. I mean this has gone on for some time and I regard this at this stage not as relevant to the question at all. I mean this is now a question on the Civil Service.

MR.PRESIDENT: The point is well taken.
We move on to the next question.

MR.PETSON O.EBANKS ON WHAT BAT TO ASK THE SECOND OFFICIAL MEMBER

NO.88: Recently applicants for appointments as Notaries Public have been refused on the grounds that Government has taken the decision that appointments will be restricted to persons with legal training only.
Will the Member make a statement?

ANSWER: The Government has indeed decided that in future (and also that in exceptional cases) persons appointed as Notaries Public should be persons with legal training. This step is seen as but one in the continuing process of perfecting Cayman's position as an off-shore financial centre.
The office of Notary Public is one of great antiquity and is so recognised by all civilised nations everywhere. The appointment of persons without legal training does not accord with general international practice. In the United Kingdom, for example, to be appointed a general notary public a person is required to be apprenticed to notary public for five years and to be a district notary a person must be a practising solicitor.
Accepting that the demand in the Cayman Islands for notarial services is much greater than would normally be encountered in a community of this size, the Government is nevertheless presently of the view that these demands can be met by the existing number of notaries (now around seventy) and that numbers in their ranks should in future be by appointment of persons with legal training. It should also be recognised that under the Notaries Public Law (Cap.110) all appointees are by law entitled to discharge the duties assigned to that office by the laws of Great Britain. These duties, as all members of the public may not realise, go far beyond the authentication of signatures and include the preparation of deeds, wills, bonds, agreements and other memorable documents requiring legal expertise.

MR. PRESIDENT: Before we go on to supplementaries, I would remind Honourable Members question time ends at 11 o'clock and that any persons who have got questions on today's Order Paper might be well to look at Standing Order 22 (9).

MR. BENSON O. EBANKS: A supplementary, with your permission, Mr. President. Could the Honourable Member state how many of the 70 Notary Public have legal training?

HON. D. F. DAWICK: Wait a few moments, I can easily do that, Sir, because I have a list of them.
I can see on the list somewhere in the vicinity of 30, Sir.

MR. BENSON O. EBANKS: Did you say 30?

HON. D. F. DAWICK: 30, three zero.

MR. BENSON O. EBANKS: Mr. President, further supplementary. Would it be fair to say that the majority of those 30 people are non persons of Caymanian status, are in the island on work permits thereby making their stay here temporary and indefinite, and at the same time could he say whether the remainder are not largely Trust Company Officers who are also subject to transfer?

HON. D. F. DAWICK: Unfortunately, Sir, I have not got the present appointees categorised with respect to whether or not they are persons of Cayman status, but a number of them who are not Caymanian born are known to me to be persons of Cayman status and people who have been here for quite a long time, and I would say that the number of persons likely to be moving in this manner from those on the list is small; I can make a copy of the list available to the Member if he would like it, Sir.

HON. ARNOLD O. EBANKS: A further supplementary, Mr. President. Would the Member state whether, in the case of Cayman, a person with merely an appointment as a Notary Public would not be barred from drawing conveyances and documents of that nature under the Legal Practitioners Law?

HON. D.H. BARWICK: No, Sir, he would not be barred.

MISS ANNIE H. DOBDEN: Mr.President, with your permission, I should like to ask a supplementary question.. If what we have heard here today would it not be fair to say that our law concerning Notary Publics should be changed to state the category of a person who would obtain such a commission as a Notary Public?

HON.D.H.BARWICK: The suggestion can certainly be taken on to consideration, I cannot speak for the Government on this occasion.

MR. NORMAN N. DOBDEN: Mr.President, I have a supplementary, Sir. I would like to ask the Honourable Member is Government satisfied that there are presently appointed sufficient Notaries Public to satisfactorily meet the public's needs?

HON.D.H.BARWICK: I dealt with that point in my answer, I refer the Member to the written answer.

MR. NORMAN N.DOBDEN: Mr.President, as Question time is drawing to a close I would respectfully request that questions numbers 86 and 87 in my name placed on the Order Paper be postponed for the later sitting tomorrow.

MR.PRESIDENT: Request is granted.

CAPT. CHARLES KIRKCONNELL: Mr.President, I also request that the questions numbers 84 and 85 be carried forward on the Order Paper tomorrow.

MR.PRESIDENT: Permission is granted.
That concludes question time this morning. We now proceed with Government business.

GOVERNMENT BUSINESS

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1991
FIRST READING

CLERK: THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1991.

MR.PRESIDENT: A bill intituled the Patents and Trade Marks (Amendment) Bill, 1991 is deemed to have been read a First Time and is set down for Second reading.

SECOND READING

CLERK: THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1991.

HON.V.O.JOHNSON: Mr.President, I beg to move the Second Reading of a Bill entitled The Patents and Trade Marks (Amendment) Bill, 1981.

Mr.President, the purpose of this short bill is to enable the registration in the Cayman Islands of certain patents granted on the continent of Europe by Conventions known as the European Patent Convention and the Community Patent Convention.

The Patents and Trade Marks Law, 1976 (that is our legislation) allows only registration of patents that have been already registered in the United Kingdom and therefore the two classes of patents which I just mentioned, that is the European Patent Convention and Community Patent Convention registrations cannot be accepted in the Cayman Islands.

This amendment is therefore to allow such patents to be accepted under the Caymanian law. This Mr. President, is mainly to improve the revenue intake under this particular law by accepting patents registered under the European Convention.

The law is very short and it is recommended as a revenue measure and I would therefore ask Honorable Members to give it their support. Thank you.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR.PRESIDENT: I think we will leave the committee stages of these three bills to be taken at the same time and proceed with the next bill on the Agenda.

## THE PENAL CODE (AMENDMENT) BILL, 1981
### FIRST READING

CLERK: THE PENAL CODE (AMENDMENT) BILL, 1981

MR.PRESIDENT: A bill intituled the Penal Code (Amendment) Bill, 1981 is deemed to have been read a first time and is set down for Second Reading.

### SECOND READING

CLERK: THE PENAL CODE (AMENDMENT) BILL, 1981

HON.D.A.BARWICK: Mr.President, Sir, I rise to move that a Bill intituled the Penal Code (Amendment) Law, 1981 be now read a second time.

In recent weeks, Sir, some obvious crimes, of a type not previously prevalent here, have underscored the fact that no society is entirely free from those who will deliberately offend against the system of order.

These crimes have also emphasised the importance of keeping our machinery for dealing with offenders constantly under review so that whatever changes are needed to meet altering circumstances may be made in a timely way.

The Bill now before the House, Sir, contains several unrelated amendments which are put forward as a result of just such a review. They are based on suggestions from a number of quarters, principally from those engaged in the administration of the criminal law, the police, courts and the legal profession and I would ask all Honorable Members, through you, Sir, to give the bill their constructive attention.

Clauses 2, 5, 10 and 11 of the bill seek, Sir, as the Memorandum of Objects and Reasons states, to amend anomalies and I will not dwell on them at this stage of the bill's progress through the House.

The first proposal of substance, Sir, is contained in Clause 3 of the bill. This clause is intended to

HON.D.P.DARWICK (CONTINUING): effect replacement of the present definition in the Penal Code of what constitutes an offensive weapon with an up-to-date definition. The present definition seeks to catalogue types of weapons and like all such attempts it inevitably misses some weapons. Difficulties have been experienced in dealing with cases in which unusual offensive weapons have been used because of this very fact. Again difficulties have been encountered where domestic objects which are not in themselves weapons in any accepted use of the word, have been used as offensive weapons. The new definition, Sir, contained in clause 3 of the bill is taken directly from present day legislation in the United Kingdom and will enable prosecuting authorities to get over the difficulties mentioned. It brings in the notion of intention and would mean, for example, a case where, in a riot, a person carried with him a garden fork intending to use it as a weapon.

The purpose of the amendment in clause 4 of the bill, Sir, will be obvious to all Honourable Members and arises from a need to extend the powers of the court to deal with serious fights which cause members of the public to have apprehension for their own safety.

Turning now to clause 5 of the bill, Sir, this represents a return to the past. An offence in equivalent terms was first created here, as far as my researches show, on the 23rd of May, 1902 by a law called the Vagrancy Law. That provision of that law was repealed by the Penal Code which passed this House in 1975. The Penal Code incorporated a number of provisions from the old Vagrancy Law but for some reason, did not re-enact this particular provision. Suggestions have been made that the deletion of the provision from our laws weakened police powers where vagrants, who are so often potential criminals, are concerned. For this reason the present bill re-introduces the offence which is also an offence against a number of the laws of a number of other Commonwealth countries.

It is true that the provisions creating this offence differ from those creating most criminal offences under our law, in that they place a certain burden of proof upon the accused. But this burden, Sir, I suggest is an easy one to discharge, where the alleged offender has a lawful source of income. It is widely accepted that no great unfairness is involved in requiring a seemingly idle person to accept the burden of showing how he manages to support himself when he is without any obvious source of income, and, as a matter of habit, he does not work.

Handicapped persons or persons who are genuinely unable to find work, even though they want it, will not be caught by the paragraphs, Sir.

Mr.President, I regard clause 7 of the bill as a very important one, and I hope that the changes its enactment will make recommend themselves to all Honourable Members. Addition of the provisions it contains could prove a powerful weapon in the police fight against crimes of breaking and of entry. The present provision which it will replace is, in my view, an outmoded one.

Again, the present provision consists of a list of objects which is far from all-embracing and coupled with it a need to prove a specific intention with regard to all those objects. The proposed amendment seeks to remove the element of intent where certain objects ( and I must emphasise this, Sir), where certain objects currently are concerned

HON.D.J.DARWICK(CONTINUING): and place the onus of proving the lawful possession of those objects on the accused. The new provision is in terms identical to those of section 25 of the English Theft Act, 1968 and experience with the working of that section, over the past 13 years, has proved its worth.

Some fears have been expressed, Sir, I know because some have been expressed to me, that the provision would endanger innocent persons and that a man lawfully carrying the articles of his trade, or again, articles of domestic use, a screwdriver, for example, would be arrested and prosecuted under the proposed new law. Mr.President, Sir, let me allay those fears from the beginning. The wording of this section has been considered by high judicial authority and that judicial authority would undoubtedly be followed by the Courts in this country. They uphold the section only to be applicable where the person has the articles in question with him, for the purpose or with the intention of burglary or theft. A person does not do that if he has the articles in question with him for the purpose of mending his car, for example.

What the new provision does is to go on to distinguish the types of objects, and apply different burdens of proof to each. Where the object is an article made or adapted for use in burglary or theft, pick-locks or skeleton keys would be a good example of things which are made to be used for burglary, a mask or a plastic container used to uplift armoured are examples of things which have been adapted for such use, then prima facie possession of that type of object is accepted as proof that it is intended to be used for burglary or theft.

Where the object has an ordinary, lawful, day-to-day use, the intention to use it for burglary or theft has to be proved by the prosecution in the usual way.

The section, Sir, is one designed to deal with determined and professional criminals and is, I most earnestly submit, another one of those rare cases in which it is proper to move the burden of proof to the alleged offender. A person found in the street with articles clearly made for use or adapted for use in burglary, as I see it, has a clear duty to explain his possession of those articles to be lawful. He does not have to prove that explanation beyond all reasonable doubt, it is only one which, on the balance of probabilities the judge or the jury, as the case may be, would find to be made out.

Again, Sir, it does not apply, when those articles are found in the home of a person, it is only when the man is away from his abode.

Next in the bill, Sir, are provisions dealing with bomb hoaxes of all kinds. This offence is a new one. Indeed, the phenomenon itself is of relatively recent origin. It has been committed by urban terrorists, by extortionists and, on occasion, by the mentally unbalanced. But on each of those occasions there is great disruption and expense to all concerned. The proposed section is in standard terms, Sir, it largely repeats section 51 of the Criminal Law Act, 1977 at present in force in Great Britain.

Inadequacies in the Penal Code had been noted by the police and by prosecutors alike in dealing with cases of the kind known as "making off offences" where the criminal enjoys some service or benefit, most commonly, a meal, and knowing that payment on the spot is called for and expected, avoids lawful payment by leaving without making it. The new section 2 (a) modelled

HON.D.N.PARWICK (CONTINUING): on relevant English legislation and should greatly simplify the task the police have in bringing offenders of this type to justice.

Clause 12 is designed to modernise the law relating to what is commonly called "malicious damage". On one or two occasions offenders charged with causing malicious damage have avoided conviction on a technicality that the property involved was not that described in the relevant section or that the damage which it received was not of the kind referred to in that section. It is therefore suggested that the present untidy provisions are replaced with something more simple but more embracing, many which now form part of the English law.

Finally, this bill is designed to repeal and replace sub-section (1) of section 194 of the Penal Code. In its present form the sub-section limits actions of the offender to those which enable another offender to escape punishment. It has been argued successfully that the wording does not cover cases where the assistance given enables the other offender to avoid apprehension, where, for example, the police are misled in prosecution where he escaped from the country before he is called upon to make answer. Some authorities have held that the section only applies when punishment has already been legally imposed and the offender helps the person liable to that punishment to escape it. The new wording also limits the cases falling within the ambit of the provision to cases where the offence which the first offender committed is one which is arrestable.

Sir, I hope my words of explanation have assisted Honourable Members in seeing what this measure is intended to achieve. The passing of the bill will undoubtedly effect a number of useful improvements to the legal machinery available now to deal with criminals and I recommend them to the House accordingly.

It is realised, Sir, that no system is ever perfect and that other improvements to our Criminal Law are possible. Consideration is presently being given to a number of these; as has already been said in reply to a Parliamentary Question this morning, the present type and range of punishments is currently under review. These, Sir, will in turn the subject of later legislation and I would ask Members to concentrate their attention on this occasion to the proposals now before the House in this bill.

Mr.President, Sir, I beg to move that a bill intituled the Penal Code (Amendment) Bill, 1961 be now read a second time.

MR.PRESIDENT: The question is that a bill intituled the Penal Code (Amendment) Bill,1961 be read a second time. The motion is open for debate, but I think this might be an appropriate time to suspend proceedings for 15 minutes.

*At 11.20 a.m. the House was suspended*

At 11.45 a.m. the House resumed.

MR.PRESIDENT: Proceedings are resumed. We resume the Second Reading debate on the Penal Code (Amendment) Bill, 1981.

Are there any speakers to the motion?

MR.REUBEN O.EBANKS: Mr.President, I have a few, brief comments on this Bill, Sir.

I support generally the provisions of the Bill. I must say that I am not entirely convinced of the necessity for increasing the penalty under section 74, that is the penalty for merely fighting, to 5 years from 1 year. In fact, if I recall correctly, I read in a recent issue of the local press where the presiding Judge said that, or gave the impression that he would not be too severe on people who merely fought with their hands or feet as was the custom, and as I understand it this is what this section deals with. I really do not see the necessity to increase that penalty.

As far as section 180, the amendment to this section, that is section 8 of the bill before us, I would have been much more happy and could have supported this much more strongly if provision had been before this House to make the penalty for this offence one of enforced attendance at some form of rehabilitation centre or rehabilitation programme. This section, Mr.President, in my opinion, will never be used against a healthy person. Persons who do not work at a trade or profession habitually are, in my opinion, sick persons; they do not do so merely because they are afraid of work or do not want to work, and it is my feeling that efforts should be made to rehabilitate these people rather than putting some form of punishment, such as fining them or sending them to prison.

Section 12 of the bill, which deals with section 244 of the Penal Code, in my opinion, Mr.President, leaves something to be desired in the construction of the amendment as it appears in the bill, and I would hope that when we get into Committee stage, possibly the Member piloting the bill will have had a chance to have a second look at it and refine some slight amendments which would make the paragraph or section read smoothly and clearly.

Otherwise, Mr.President, I support this bill.

MR.CRADDOCK ASHBURY: Mr.President, I have tried to give my support to the bringing of this bill to this House with the proposed amendments. It is no use, Sir, of us trying to bury our faces in the sand and saying that we are not faced with what we do not like to see in these happenings in the Islands today, and I think even at this stage, Sir, this bill is a little bit late in coming before the House.

Offenders going to the courts and $40 and $50 fines mean nothing, or with 10 days imprisonment, still does not add very much. We are all human beings, Sir, but an offender ought to be treated according to his behaviour. If they have enough backbone to go out and do the things that they commit themselves in then they ought to be prepared to accept the chastisement for their behaviour, and it has been my contention over the many years that you do not curb crime with silk gloves, if it is not made to hurt, Sir, then they are not feeling it. Even with the amendments that are proposed it still leaves a discretion with the judge, and there is nothing unreasonable about that, Mr.President. If the judge feels

MR. UPSHOCK FRANKS (CONTINUING): that where it states the maximum of ten years and the judge finds that 5 years, 5 years is in keeping with the offence, but the point, Sir, that I am trying to make is that we have reached the stage that we must do something to curb the type of behaviour and offence and crime that has come up in this country over the last short months, not years.

I read in the Miami Herald just a few weeks ago, where a burglar, for a string of offences that he had committed he was given 1000 and something years imprisonment. I do not know if he was going to live long enough to see it, but nevertheless, that was the sentence that was passed on him, and I feel, Sir, that the time is ripe, that the time has come when we must do something for people to continue enjoy their privileges, freedom or what used to be.

As we go into this, Mr.President, in the committee stage, section by section, I will have some other comments to make on the proposed amendments to the different sections, but I am just making, at this stage, Sir, that I give my whole support and backing to this bill and the amendments. I thank you, Sir.

CAPT. CHARLES KINSCHINELL: Mr.President, I, too, would like to give support to this bill and I would also like to reinforce what the Third Elected Member from West Bay said about section 6 that the person should first be referred to either a psychiatrist or have an examination, because often those who are told are suffering from some mental disorder or it could be some concealed disease that the people have and are not aware of. I know of an instance in Cayman three years ago. This gentleman was accused of being lazy, avoiding work, always idle. It was discovered just before he died, regrettably, that it was cancer of the brain, and there was something that was unknown. And if this law had been in force at that time they would have arrested this man and detained him, because there was no visible sign or reason why this man was not able to work. So I would like some consideration to be given to this section.

I think the other clauses, Sir, are in order, and I support the bill.

HON. PRESIDENT: Does any other Honourable Member wish to speak?

HON. EDWARD M. BODDEN: I just had really one aspect that I wanted to deal with. I would like to compliment the Attorney General for his clear exposition on the law, it put it quite clearly.

Section 74, for the benefit of Members here is not just a fight, it is an affray and it is where a person who takes part in a fight thereby puts in fear or apprehension for his safety any non-participating person, so it is not a fight, which is a common assault, under, I think, section 301, but it is really a fight where people not participating in it, are thereby put in fear, and it carried, minimally, a higher penalty than the common assault in 301.

In relation to the question of rehabilitation, that once again must be within certain limits and I would just end with a quotation from Montain that to make a crooked stick straight, we bend it the contrary way.

HON. D.K. KENNICK: Mr.President, Sir, I would like to express my gratitude to other Members of this House for the way in which they feel themselves able to support this measure, to

HON.D.R.DARWICK (CONTINUING): ...about on my words the explanation which my learned colleague gave for the differences between ordinary assaults and an affray which accounts for the more serious penalty the Government seeks to impose in the case of such fines and to assure the Honourable Third Elected member for West Bay that we will certainly look at the wording of the next provision which clause 12 seeks to add to the law.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1981

FIRST READING

CLERK: The Criminal Procedure Code (Amendment) Bill, 1981.

MR.PRESIDENT: A bill intitled the Criminal Procedure Code (Amendment) Bill, 1981 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: The Criminal Procedure Code (Amendment) Bill, 1981.

HON.D.R.DARWICK: Mr.President, Sir, I rise to move that a bill intitled the Criminal Procedure Code (Amendment) Bill, 1981 be now read a Second Time.

The amendments to the Schedule to the Criminal Procedure Code which this bill seeks to effect, are closely coupled to the provisions of the Penal Code (Amendment) Bill, 1981 which just received its second reading from this Honourable House.

With the exceptions of the provisions in paragraph (a) and (b) in clause 2 the bill's provisions make appropriate reference in the Schedule to the changes which the enactment of the Penal Code (Amendment) Bill will make law. Paragraphs (a) and (b), to which I referred, sought to correct an anomaly which had been discovered in the present Schedule.

I do not propose, Sir, to delay the House further with details of these provisions in the bill as they will be fully considered when the bill reaches its committee stage.

I would also like to state, Sir, that in the event of any material amendment being found necessary to the Penal Code bill as it progresses through its committee stage, then there may well need to be reflecting amendments in the final form of the bill now before us.

I would also like to make mention of the fact that during the break it was drawn to my attention that there has been a printing error in paragraph (f) of the law and an appropriate amendment will be made during the committee stage.

Mr.President, Sir, I beg to move that this bill be now read a second time.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

HOUSE IN COMMITTEE

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1981

CLERK: CLAUSE 1 short title

QUESTION PUT: AGREED CLAUSE 1 PASSED.

CLERK: CLAUSE 2 AMENDMENT OF SECTION 2 OF LAW 30 OF 1976

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: A LAW TO AMEND THE PATENTS AND TRADE MARKS LAW

QUESTION PUT: AGREED: TITLE PASSED.

MR.PRESIDENT: Then consolidation examination of the Patents and Trade marks (Amendment) Bill, 1981. We turn next to the Penal Code (Amendment) Bill, 1981.

THE PENAL CODE (AMENDMENT) BILL, 1981

CLERK: CLAUSE 1 SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2: AMENDMENT OF SECTION 43 OF LAW 10 OF 1976.

QUESTION PUT: AGREED:CLAUSE 2 PASSED.

CLERK: CLAUSE 3: AMENDMENT OF SECTION 87

QUESTION PUT: AGREED: CLAUSE 3 PASSED.

CLERK: CLAUSE 4: AMENDMENT OF SECTION 94

QUESTION PROPOSED:

MR.BENSON O.EDWARDS: Mr. Chairman, I am wondering whether the Honourable Member piloting this bill can give us some background as to why it is felt necessary to increase this penalty. I understand fully the purport of an affray, but I am still not convinced that one year's imprisonment is not a severe enough fine.

HON.D.K.KAPRICK: The amendment stems from comments which have been made by judicial officers in the past year or so and the need to distinguish between an offence of common assault which affects nobody but the participants in that assault where it is a fight, and the occasion where their fighting causes alarm and commotion to other members of the public, is thought a proper one to make in the law. Under section 201 of the Penal Code "Whoever unlawfully assaults another is guilty of an offence and if the assault is not committed in circumstances in which a greater punishment is provided by this or any other law, the offender is liable to imprisonment for a term not exceeding one year." . Now in preparing the Penal Code originally it would appear that those responsible for framing it had overlooked the fact that this was an aggravated type of assault, it is not the kind of assault which the Honourable Member referred to where two persons settle a dispute themselves, away from other people, in that time-honoured fashion - this is the kind of fight, which, as section 77 says "put in fear or apprehension for his safety by non-participating persons", and it is intended to cover that kind of disturbance that might very well occur in a public bar,

HON.D.R.DARWICK:(CONTINUING): or at a sports meeting or somewhere where two very intelligent men get about one another, causing alarm to people standing by, and causing people to have real fear that they themselves will get injured as part of the activity, and I'd, Sir, provided that that kind of activity would also be punishable by imprisonment for a term not exceeding one year, and I think it is proper that the distinction between the two types of offence should be made clear and that a greater punishment attach to that more serious type of offence which causes a public alarm.

MR. SPEAKER (G.RAWLS): Mr.Chairman, it seems to me that there could be an overlapping of these two clauses. The reference to people assisting their difference in the above-mentioned fashion I would think would be more appropriately covered under the section dealing with a duel.

Section 201, it seems to me that it goes beyond, although the marginal note says "Common assault", it seems to me that if one party assaults another under conditions as are provided in section 74, well, then, he could be dealt with under section 74, because section 74 is now providing greater punishment and the circumstances in which the assault is committed would be under section 74. I do not know if I am making myself clear, but in other words, if one person assaults another in a public place, like a bar, well, then, he now comes under the ambit of affray, but what gives me some concern about this is merely it is a mere accident when a fight develops that somebody who is not interested in seeing what is going on, is really endangered by the fight as such. If weapons are used or whatever, as far as I know this is covered under different sections of the Penal Code.

The only thing that has come to mind, frankly, and I would imagine that the jurisdiction of the place of registry or whatever of the aircraft would cover it, this is one thing that has come to my mind, for example, if two people were to start to fight say in an aircraft, this certainly would be a situation where people are unable to escape and would undoubtedly have apprehension for their lives. But in my opinion, in that case, two years is really not enough either.

So I am wondering if that particular case is covered under any other section within the Penal Code that I am missing at this point.

HON.D.R.DARWICK: There are a number of points, and I trust that I have remembered them all. But first of course is that fighting is not dueling, because dueling essentially carries with it the notion of a weapon, and secondly, it is quite true that an aggravated assault would include the smaller offence of common assault. In fact a murder in legal theory can easily be regarded as an assault, because the essential ingredients plus some others are present in the legal definition of what constitutes a murder.

The true distinction between the two sections lies in the fact that the offence of affray, as it is commonly called in law, is a more serious offence than that of common assault, and where the courts are called upon to deal with the more serious offence, it is appropriate that they should have extended powers.

The subject of offences on aircraft these days falls into two dealing solely with the subject of offences on aircraft and I can assure the Honourable Member who just spoke that heavy punishments can be visited on those who do

HON. T. R. DASKUM (CONTINUING): conduct themselves in aircraft as to endanger the safety of the aircraft or passengers in it.

I think the provision that this clause seeks to make, Sir, is a good one, I think it marks fairly accurately the difference between a fight and a fight which causes other people on good grounds to have apprehension for their own safety. Such fights do occur, Sir.

QUESTION PUT: AYES, MR. ENSON O. EBANKS: NO.

MR. PRESIDENT: I think the ayes have it.

CLAUSE 5 PASSED.

CLERK: CLAUSE 6: AMENDMENT OF SECTION 35.

QUESTION PUT: AGREED: CLAUSE 6 PASSED.

CLERK: CLAUSE 8: AMENDMENT OF SECTION 140

QUESTION PROPOSED:

MR. BENSON O. EBANKS: Mr. Chairman, I must admit that the First Elected Member from Cayman Brac in his contribution in the Second Reading did give me some food for thought and I am wondering whether something could not be inserted in this section to cover the person who could prove by medical evidence or for whom it could be proven by medical evidence that he is in fact affected by some malady or disease.

HON. JAMES M. BODDEN: Mr. Chairman, I personally cannot see that there is anything much we can do in that respect because the law would not be altered and if such a thing exists, he can prove it in a court of law, and I do not imagine that they are going out here and use this section of the law, say, to pick up somebody that you can look at and now they are afflicted or something of that nature, and in regards to what the Member from Cayman Brac said, I appreciate the point also, but if the person has never worked from the time he was a young kid and he is 35 or 40 years old when he dies, in the case of manner, I do not think it would have been cancer of the brain that afflicted him that long to keep him from working, because that is a malady that you do not suffer from that long, so in that case I would have to say it would have had to be some other thing he was infected with rather than the cancer. So I do not see in any way that this is something to be alarmed at or something that would deter justice in any respect.

MR. BENSON O. EBANKS: Mr. Chairman, my contribution of course, was in addition to what I said in the second reading. I do not support the view that people who are well in mind and body purposely abstain from working, whether it is visible or invisible, that person is looking something or is suffering from some form of disease in my opinion, be it alcoholic addiction or drug addiction or whatever and my plea to that joining such a person does not solve the problem, the problem is one that, in my opinion, should be tackled by seeing that that person is put into some type of rehabilitative programme. Realising that that does not exist in a formal way at the moment, I am willing to bury this, hoping that something would be done in the very near future to see that such services are available, so that may be the penalty could be changed to what I suggested, but the Member from Cayman Brac went further and really

MR. BENSON O. KWANKS (CHUNYANGWA): I introduced the case where the person could prove that he was physically or mentally unwell and I do not believe that that should be too difficult to put into this section without tying the hands of the authorities to deal with genuine cases.

HON. C. HAJI MUSUNGU: Mr. Chairman, the person who is either mentally or physically sick is already excluded from this offence because 6 (b) (i) has it "and being able to labour," so the only person that could commit the offence of habitually abstaining from work would have to be a person that was physically fit and the cross mentioned, a person suffering from mental retardation or from physical malady would not be caught up in this clause because people being able to labour, a person would have to be able to labour before he could be accused of not habitually working. If the person, by disease, was unable to labour, he would not commit an offence if he did not labour, it is only if he is physically able and does not labour, so I think that is already taken care of, if the clause is read in its entirety.

HON. THOMAS V. DOBSON: Mr. Chairman, I am very happy to see the confidence reposed in me for the powers that I have under the Mental Health Act, having in the past raised so many worries about the mental condition of people. But this section is precisely the same, and I mean precisely the same, as section 21 of the Vagrancy Law which existed from the 22nd of May, 1902 until repealed by this same Act in 1976 and unfortunately when I took over there was no rehabilitation programme and efforts are well under way now to dealing with this.

The Law, to me, is very clear, it is a very old Law, it has been there for some time and if somebody has a defence, be it mental or physical, then it is his duty to put it forward. One of the things that perhaps Members I think should remember, I think is in relation to what is discussed, which is really ambition. I think that it was Oscar Wilde that once said that ambition is the last refuge of failure, and perhaps bearing that in mind, they could temper their arguments here by knowing that if somebody has a defence which is quite open to them, then I do not think it should be prescribed that I should implement the Mental Health Law and be doing precisely what everybody has objected to on the opposition side for the last few years; if that is the wish, then I would, you know, look at it, but the section is clear and it is a very old section, it worked in the past and I do not really see what the objection now is or where there is all this worry over rehabilitation which did not exist since 1902 anyhow.

MR. HANGWA D. PHIRI: Mr. Chairman, I would like to say, Sir, I was not supposing that this thing be left to any laymen I said, on medical grounds, and I believe that is the objection to the Mental Health Law that laymen have too much moment over it. I do not recall when this Law was being passed in 1975 whether this was deliberately left out or whether it was an omission, but it would not surprise me if it was deliberately left out, because very similar provisions are under the Vagrancy section of the Penal Code.

As to rehabilitative programmes, I am aware the Member that there was a blue-print in existence to the social economic development of this country, which does not seem to have been followed very closely or with much haste, and

MR. BENSON O. EBANKS (CONTINUING): anything he might say will not deter me from my determination to prove that these Imo men have some humanity in them rather than being primitive. In my opinion laws that are carelessly defeat the whole purpose when it comes to dealing with the human aspects of society and I am convinced that we are dealing with an offence that no able bodied person is going to be caught under, whether it is a valid defence or not. I maintain that people, call them lazy, looking for ambition or whatever, they are not so because they want to be, it is some form of physical or mental defect.

HON. TRUMAN H. BODDEN: Mr. Chairman, I think it is superfluous to call a defence which is an obvious defence and I think it is nearly more superfluous to refer to a blue print which I know nothing about, have never seen and blue prints are blue prints, you know, there is a little saying you would rather see a sermon than hear one any day, that is what I would leave him with.

MISS ANNIE H. BODDEN: Mr. Chairman, I do agree, Sir, that a lot of people who do not work it is because they are not in a condition to work. I am refer to my ownself, Sir, I was sick for five years on a stretch, a dying woman, and everybody that came in my house until I am lazy, I did not want to work because I was lazy. I was a dying woman but nobody believed it. If this law had been in effect then I suppose I would have been put in jail among my other sufferings, so I heartily endorse that some distinction should be put in a law where we know, for instance, I can quote one particular fellow, one coloured fellow who used to work on the dock. He was one of the hardest working people you could find in the whole Cayman Islands and suddenly he got to the place where he just cannot work, his people say he do not sick, but he is a sick man and this law could apply to him. I feel that we should not make laws just to suit our bravado, because we think we can out it over people, because everything in this Chamber today could be stricken with mental sickness or unsoundness of the brain, or be what it may, not one person here is immune from admittance of sickness and I think we should now, just because we think we are up today, try to down people who are down.

HON. JAMES M. HOOPER: The only time in the last 16 years that you have gotten good substantial laws has been the last 4 years.

MR. BENSON O. EBANKS: Mr. Chairman, one of the Members from the other side mentioned that even though it is not written in the law it would be a valid defence to raise the question of illness. If I can be assured that this is so I do not have any further arguments, but I would have thought, you know, that defences for offences are normally indicated, if not stipulated. If I could be assured that that would be a valid defence to this offence I have no problem with the section.

HON. TRUMAN M. HOOPER: Mr. Chairman, it is very obvious if an ingredient of the offence is the ability to labour then a defence is the inability to labour, simple.

MR. BENSON O. EBANKS: But what would be the broad definition of "the ability to labour", Mr. Chairman, that gives me some concern.

HON.FREMAN M.BOWEN: Mr.Chairman, the English language is very precise: liability is clearly defined in the dictionaries and what is labour is clearly defined and it is up to a court to interpret it. I mean we cannot do the court's job in here, whatever onerous the liability or labour, once the facts are produced to the court the court makes the decision. The instances, you know, could go on for ever and ever. We cannot legislate for the court's functions, is what I am trying to point out.

MR.CHAIRMAN: I will put the question on this clause.

MR.BENSON C. EVANS: Mr.Chairman, I was just looking at the previous section to see if some simple amendment could not cover the point we are making. I do not think so, Sir, not one that would fall under the permission of doing it without notice. It would call for some study on my part, so I have no amendment to offer at this point, Sir.

QUESTION PUT: CLAUSE 6 PASSED.

CLERK: CLAUSE 7 AMENDMENT TO SECTION 147

QUESTION PUT: AGREED: CLAUSE 7 PASSED.

CLERK: CLAUSE 8: INSERTION OF NEW SECTION 191A

QUESTION PUT: AGREED: CLAUSE 8 PASSED.

CLERK: CLAUSE 9: INSERTION OF NEW SECTION 224A

QUESTION PUT: AGREED: CLAUSE 9 PASSED

CLERK: CLAUSE 10: AMENDMENT OF SECTION 237.

QUESTION PUT: AGREED: CLAUSE 10 PASSED.

CLERK: CLAUSE 11: AMENDMENT OF SECTION 241

QUESTION PUT: AGREED: CLAUSE 11 PASSED

CLERK: CLAUSE 12: CLASSIFICATION OF SECTION 244

QUESTION PROPOSED

MISS ANNIE H.BODDEN: Mr.Chairman, with regard to this section, is it not an offence for a person even to destroy their own property again, like. If I have a house and I purposely destroy it by fire is that not an offence?

HON.L.A.HAMMICK: Under this section, Sir, it is the property of another which is made the subject of the provision. It is, in certain circumstances, possible that by destroying one's own property one would commit an offence, but I do not think that one can generalise, for example, if you want to burn a diary you are perfectly at liberty to do so. If you want to burn your house in circumstances that an insurance payment becomes due, then of course you are committing an offence.

MISS ANNIE A.BOUCHARD: Mr.Chairman, I have known of a case in court where a particular man burnt down his own house just because he and his wife were having trouble and he served five or six years in prison in America.

HON.STUART M.BOUDREAU: Mr.Chairman, I think that a person was within the house at the time, his wife was in there, if I am thinking of the same case, a West Bay case, which brought it into the area of arson, I think. Whether he admitted the wife was in there or not I am not certain.

HON.C.E.DARWICK: I wanted to speak, Sir, with your permission to the point raised by the Third Elected Member for West Bay. I think some of difficulties that we have all had in reading the section are due to the way in which it was printed in the green copy. I do not think for point of fact there were words there at one stage that were omitted, it just seems to have been the way the type was set when the brase began to run. The section, and I have had this checked, Sir, since the point was raised a few minutes ago is on all fours with the equivalent provision in the United Kingdom and I think if it is read so that the words link up better than they do in the printed version that the sense is there without any mistake.

MR.BENSON O.EBANKS: Mr.Chairman, my copy reads "Whoever without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property", without any stop or "or" in there. Now if the person does it without lawful excuse he must do it intentionally. If it is destroyed, it is destroyed, and he must have intended to do it.

HON.C.E.DARWICK: I mean one can destroy another's property. If you are a fireman, for example, you can break a door down to get into a person's house when the house is on fire. The two are not mutually exclusive, I mean you can do something intending it and be doing it either with or without lawful excuse.

MR.BENSON O.EBANKS: There is no punctuation or anything missing in this?

HON.C.E.DARWICK: No, I think the word would provide any necessary punctuation; I find, Sir, a statute without punctuation is a safer statute than one with on many occasions and it is also way of phrasing this is deliberate, Sir.

MR.BENSON O.EBANKS: I certainly get what is meant by the section, but I have not to say it is badly put.

QUESTION PUT: AGREED: CLAUSE 11 PASSED.

CLERK: CLAUSE 12: AMENDMENT OF SECTION 204.

QUESTION PUT. AGREED: CLAUSE 12 PASSED.

CLERK: A LAW TO AMEND THE PENAL CODE

QUESTION PUT AGREED: TITLE PASSED.

MR.CHAIRMAN: That concludes examination of the Penal Code (Amendment) Bill, 1981. We turn to the third bill on the Order of the Day the Criminal Procedure Code (Amendment) Bill, 1981.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1981

CLERK: CLAUSE 1 SHORT TITLE

QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2 AMENDMENT OF SCHEDULE 1 OF LAW 78 of 1976

QUESTION PROPOSED

HON.D.N.BARWICK: During the debate on the Second Reading, I gave notice that I intended to move an amendment to clause 2, paragraph (f); the words "ten years" at the end of the second line of that paragraph, Sir, should be followed by a comma, a dollar sign and the figures 5000.

MR.CHAIRMAN: It has been proposed that clause 2 be amended by inserting a comma after the words "ten years" and a dollar sign followed by the figures 5000.

The Clerk has pointed out that it is unnecessary to have the comma because the figures go into a column.

HON.D.N.BARWICK: Correct, Sir.

QUESTION PUT: AGREED: CLAUSE 2 AS AMENDED PASSED

CLERK: A LAW TO AMEND THE PRIMINAL PROCEDURE CODE.

QUESTION PUT: AGREED: TITLE PASSED.

MR.CHAIRMAN: That concludes examination of the Criminal Procedure(Amendment) Bill, 1981, and proceedings in Committee.

The Assembly will now resume.

HOUSE RESUMED

MR.PRESIDENT: Proceedings can continue. I think we might take the report stage on these three bills leaving the Third Reading for tomorrow.

FINANCE COMMITTEE

HON.V.G.JOHNSON: Mr.President, I served notice this morning for a meeting of Finance Committee during the sitting of this House and would like to request that that meeting be held tomorrow afternoon after the adjournment of this meeting.

MR.PRESIDENT: Can we take the report stage on the Patents and Trade Marks (Amendment) Law.

THE PATENTS AND TRADE MARKS (AMENDMENT)BILL, 1981
IMPORT THEREOF

HON.V.G.JOHNSON: I am sorry, Sir, I thought you were taking the adjournment now.

Mr.President, I would like to report that a Bill entitled the Patents and Trade Marks (Amendment) Law, 1981 was considered by a Committee of the House and passed without amendment.

MR.PRESIDENT: A Bill entitled the Patents and Trade Marks (Amendment) Law, 1981 has been duly reported and is set down for Third Reading.

## THE PENAL CODE (AMENDMENT) LAW, 1981

HON.D.R.PLAWICK: Mr.President, Sir, I have to report that a Bill entitled the Penal Code (Amendment) Law, 1981 was considered clause by clause by a Committee of this Whole House and was passed, Sir, without amendment.

MR.PRESIDENT: A Bill entitled the Penal Code (Amendment) Law, 1981 has been duly reported and is set down for third reading in due course.

## THE CRIMINAL PROCEDURE CODE (AMENDMENT) LAW, 1981

HON.D.R.HAWKINS: Mr.President, Sir, I have to report that a Bill entitled the Criminal Procedure Code (Amendment) Law, 1981 was considered clause by clause by a Committee of the Whole House and was passed with one amendment, namely, Sir, the addition of the symbol and figures "$5,000" to the first line of paragraph (f) of clause 6 thereof.

MR.PRESIDENT: A Bill entitled the Criminal Procedure Code (Amendment) Law, 1981 has been duly reported and is set down for Third Reading, in due course.

That concludes our business on the Order of the Day.

## ADJOURNMENT

HON.D.H. FOSTER: Mr.President, I move the adjournment of this House until 10 a.m. tomorrow.

QUESTION PUT: AGREED: AT 12.52 P.M. THE HOUSE ADJOURNED

THIRD MEETING OF THE (1991) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON THURSDAY 29TH AUGUST

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSNELL, CMG, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS H FOOTTIT, CBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS |
| HON DAVID H BLANKEN, CBE, QC | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON VASSEL G JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON JOHN B MCLEAN * | MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES |
| HON THOMAS W BODDEN | MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM CIVIL AVIATION AND TRADE |
| HON G HALIG BODDEN | MEMBER FOR COMMUNICATIONS & WORKS |

ELECTED MEMBERS

| | |
|---|---|
| MR GALSTON J SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR D DALMAIN FRANKS ** | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR DEMOON O NRANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR W NORMAN BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HULDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES E KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS |
| CAPT MABRY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS |
| MR CRADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

* Hon John b McLean absent in the p.m.

** Mr D Dalmain Ebanks Absent

ORDERS OF THE DAY

SECOND DAY

THURSDAY, 27TH AUGUST, 1981 AT 11:00 A.M.

1. QUESTIONS:-

CAPT CHARLES I KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO.34: Will the Member make a statement with regard to the new Farm Development Plan and when will it be implemented?

NO.35: How many land transactions have been made from January to 31st July, 1981, and how do they compare with 1980 over the same period?

MR W NORMAN BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO.36: Will the Member make a statement regarding progress on the establishment and equipping of a sports/cultural centre - funds for which were approved in the 1981 Estimates?

MR W NORMAN BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS & WORKS

NO.37: Will the Member state if the traffic study conducted by Wallace South Engineering Company has been received and if so has the study proposed the use of traffic lights in the George Town area?

MISS ANNIE BILDAH BODDEN OF CAYMAN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO.38: Will the Member state the number of firearms' licences in the Cayman Islands and the categories?

NO.39: Will the Member state whether the offices of the Clerk of Courts and Lands and Survey Department are short-staffed, the number of vacant posts and categories in each and when it is hoped to have sufficient personnel appointed in order to cope with the workload?

MISS ANNIE HILDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO.40: (a) Will the Member state whether the prisons have the services of a janitor and whether prisoners are used to clean the buildings and compounds?

(b) What is the cost to date of the new prison building and other buildings on the site?

MR. BENSON O. EBANKS OF WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO.41: Will the Member tell this Honourable Assembly what was question no.7(i), section B of the CSE O/Of History of the West Indies Examination Paper set by the Welsh Joint Committee and sat by students of the Cayman Islands High School on 6th June, 1980, and will the Member make a statement thereon?

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO.42: How many applications have been made for the construction of new condominiums since the amendment was made to the Development and Planning Law (Revised) in February, 1981?

4. OTHER BUSINESS:-

PRIVATE MEMBER'S MOTION NO.2
TO BE MOVED BY MR. D. NORMAN BODDEN, FIRST ELECTED MEMBER FOR GEORGE TOWN AND SECONDED BY CAPT. CHARLES L. KIRKCONNELL, FIRST ELECTED MEMBER FOR THE LESSER ISLANDS

"WHEREAS it has become necessary to import large quantities of drinking water for use by both residents and visitors alike

AND WHEREAS many of the poor people of these Islands who do not have proper water storage facilities to maximise this imported water almost all year round

AND WHEREAS the use of this water for drinking purposes will help reduce the possibility of outbreaks of water-borne diseases such as gastroenteritis that has claimed several lives in the past, and thereby protect and improve public health

AND WHEREAS import duty has been removed from some luxury items as well as certain other selected foodstuff

BE IT RESOLVED that in an effort to reduce the cost, particularly to poorer people of these Islands, consideration be given as early as possible to have the removal of duty from drinking water."

3, GOVERNMENT BUSINESS:-

BILLS:

(i) THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1991
THIRD READING

(ii) THE PENAL CODE (AMENDMENT) BILL, 1991
THIRD READING

(iii) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991
THIRD READING

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| Adjournment | 34 |

THURSDAY, 27TH AUGUST, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES.

NO. 34: Will the Member make a statement with regard to the new Farm Development Plan and when will it be implemented?

ANSWER: The Government has approved in principle the Demonstration Agricultural Farm and Agricultural Development Policy prepared by Adams International Ltd.

Work is in progress on these one of the farm at Lower Valley. Substantial clearing and preparation of the property have been carried out. A propagation unit for seedlings and 'cuttings' has been built and is in operation for the production of fruit trees and ornamental plants.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President.
Is the new Farm Development Plan to be implemented by Government's Agricultural Department or will it be developed by the small farmers with assistance from the Agricultural Department?

HON. JOHN R. MCLEAN: Mr. President, it will be implemented by the Department of Agriculture.

MR. PRESIDENT: If there are no further supplementaries we can go on to the next question.

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 35: How many land transactions have been made from January to 31st July, 1981 and how do they compare with 1980 over the same period?

ANSWER: There were 3,813 land transactions during the period January to July 1981 attracting stamp duty amounting to CI$3.7 million dollars compared with 3,920 for the same period in 1980 with stamp duty of CI$4.21 million dollars.

MR. PRESIDENT: Move on to the next question.

MR W. NORMAN BODDEN OF CAYMAN BROWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 36: Will the Member make a statement regarding progress on the establishment and equipping of a sports/cultural centre - funds for which were approved in the 1981 Estimates?

ANSWER: The Steering Committee for Sports and Cultural Activities originally consisted of 32 persons who met and reports were made thereon. It was subsequently divided into a Sports Committee and a Cultural Committee with each submitting separate reports and subsequently a joint report was made on the 28th April, 1980. Based on this report funds were approved in the 1981 Estimates which were passed earlier this year. Subsequent to that motions were sent to the 32 members of the original Sports and Cultural Committee.

Only one person came to the meeting. A similar Committee was established which has met on several occasions beginning on the 18th June, 1987. The Portfolio has also met with a Member of the UNESCO Olympic Committee who is stationed in the United Kingdom.

After a considerable period of negotiation, an agreement has been reached and is now being concluded to purchase 20 acres of land next to the Cayman Islands High School/Middle School Complex and a large part of this will be used for this centre.

I regret was able to recruit successfully 2 months ago to fill the post of Sports and Cultural Coordinator and approximately one week ago an advertisement was put in the local press for this post.

SUPPLEMENTARIES:

MR. W. NORMAN BODDEN: I have a supplementary, Mr. President. I know that the completion date for this might be far off, but I would like to ask the Member if in order to meet the needs of other communities, will consideration be eventually given to establishing similar centres in each district?

HON. TRUMAN M. BODDEN: The report of the Sports Committee recommended that the district fields be up-graded prior to setting up the complex in the Cayman Islands High School/Middle School area and I intend to follow that.

To that effect the sports' fields at the schools have now been up-graded. Further up-grading of the non-school fields in each district has been carried out and the future of sports will be dealt with first with the refining of these fields and the levelling of sports prior to bringing these into the complex in the George Town area.

So from the point of view, however, of the establishment of a sports complex of the size that probably will be established in George Town, I do not see that as being in the very near future. The difference between the two types of up-grading is that the sports' fields in the specific districts are much smaller, they are multi-purpose, but within a limited amount of successes while the complex at the High School/Middle School planned in one unit is going to deal more with the advanced competitive sports as well as providing the normal and usual sports that will be carried on in the specific districts.

So there is a considerable difference between what I propose to do within the districts as against a complete complex within the George Town District.

MR. BENSON O. EBANKS: Supplementary, Mr. President. Has Government considered the establishment of fields or sports' complexes in the districts other than at the existing school playing fields?

HON. TRUMAN M. BODDEN: Yes, this has been considered and what has now been carried out is a preliminary study of the quality of facilities in each of the districts. Where the fields in those districts appear to be adequate, then no further consideration will probably be given in the immediate future as against in the somewhat more distant future for establishing separate fields.

In East End, for example, we have purchased a separate field, we have put it in use and it has been, I guess, now used probably nearly as much as the school fields have been used. In George Town, as the Member probably knows, the use of the Agricultural Grounds mainly for the cricket and on occasions for soccer and also for the school sports, has been used. The ground at the George Town Primary School, while being a primary school ground, is also used for non-school sports.

HON. TRUMAN M. BODDEN (CONTINUING): If the need arises within each district and perhaps that need will arise within the larger districts, then by all means I am one for promoting sports and I will endeavour to ensure that whatever is necessary will be given to the districts.

The survey that was carried out was dealt with partly by Government and partly by the Committee and it is a preliminary survey setting out, in principle, the size of the fields, the probability of what can be played on those fields, the present use of those fields and what the projection over those fields should be.

K. BENSON O. EBANKS: Supplementary, Mr. President .....

MR. PRESIDENT: I think the Lady Member was first for it.

MISS ANITA HULDAH BODDEN: Mr. President, with your permission I should like to ask the Honourable Member if any consideration is being given to the establishment of a wing, I believe you would call it, for this roller-skating which is now becoming a menace on the roads?

HON. TRUMAN M. BODDEN: While denying that skating is a menace on the roads, consideration will be given in the complex to setting up, not only a rink for roller-skating, but also any of the newer and more popular sports. As the Lady Member knows, skating is a fairly recent sport and it requires very extensive facilities if it is to be done properly. I have looked at this type of sport in the United States and it appears that what would be ideal is the establishment of a large enclosed area which has as the flooring, not a cement type of flooring, but one which appears to be made up of hardwood. This is going to be very expensive. When it is done it is going to have to be hopefully multi-purpose and to be used perhaps during the day for other facilities and by all means, if it is the feeling of this Legislature that perhaps we appropriate half or three quarters of a million this coming time to do a skating rink in preference perhaps to some of the other less popular sports, I would be only too happy to do so.

It is now popular among the youth and especially for sports among the youth I believe that we should promote this even more extensively and more innovatively than we promote the remainder of the sports. It is, however, one which is going to have to be probably totally subsidized because we are dealing with children between the ages of probably five and fifteen is where I would say about eighty percent of these children are. However, if the roller-skating that is now carried out on the public side-walks around the Government buildings is one way of diverting youth until we can get a proper skating facility, then I feel that we should do nothing which would stop this from being done because I have sat by and watched, especially at the courts, and I would say the majority of them, with few exceptions, stay on that side-walk and they keep out of the roads and the public buildings are really not at that time being used. So until we can get a facility, then by all means I feel that let them skate around the court house and expend their energies in that way.

MR. BENSON O. EBANKS: A further supplementary, Mr. President, would the Member give an undertaking to have the facilities in Bird Bay studied at an early date in as much as it is patently evident that the field in West Bay is becoming inadequate?

HON. TRUMAN M. BODDEN: I will given that undertaking, but the undertaking is already being carried out. A study is now going on to upgrade that, the basket ball and volley ball facilities. As the Member knows we have probably planted more grass seeds on that field than we have planted on nearly any other field and there were certain problems with floodings in one area and a lot of this has now been dealt with.

The.....

MR. BENSON O. SEALEY: Mr. President, my question was not with the existing field, with additional playing fields.

HON. TRUMAN M. BODDEN: Well, you mean additional sports or you mean you want an alternative field?

MR. BENSON O. SEALEY: An alternative area. The present site is shockingly and clearly too small.

HON. TRUMAN M. BODDEN: Well, Mr. President, I would have to look into and I give the undertaking that I will go into the matter and if it appears necessary and especially if it is promoted by the Members here, by all means we will buy another field and upgrade it and continue to upgrade the school fields. But one of the things I would like to point out with the West Bay field - a lot of time and effort has been put in on it, but the personal problem that I face with sports fields is that there is always the anxiety with children to move on to a new field or a field which is newly seeded before we can actually get grass growing on it and as a result of that the only times that we really have when we can deal with this is during holidays especially for the school boy at West Bay and during off seasons when there are specific sports. But when there is an off season for one sport there is a season for another sport. So it is not quite as simple as it appears and we have employed private contractors from time to time to see if they can assist in the upgrading where perhaps the Government Agricultural Department have not been too successful.

MR. CRIDDOCK BODDEN: Mr. President, a supplementary. Would the Member say that the skating facilities would be extended to all the other districts?

HON. TRUMAN M. BODDEN: Mr. President, I believe that sports is one of the best ways of youth getting good and clean facilities within a society and I would happily extend this to many district. I do not think that this Legislature can spend money better than it can on youth and than it can on the sports and education for youth and I will happily do whatever this Legislature, whatever the people of these Islands wish. It would be economical, but, like I said there is no better way of spending money and I think that each district should have their fair share of facilities because youth are not to wish to travel long distances. They want facilities close at hand and I think the district facility should be given priority to the main complex in the George Town area, Sir.

MR. PRESIDENT: We can take the next question.

MR. W. NORMAN BODDEN ON BEHALF TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS & WORKS

NO. 37 Will the Member inform if the traffic study conducted by Mid South Engineering Company has been received and if so has the study proposed the use of traffic lights in the George Town area?

ANSWER: The answer is no. The report has not been received from the Mid South Engineering Company.

SUPPLEMENTARIES:

MR. V. MORGAN DOBSON: A supplementary, Mr. President. Could the Member state when this report might be expected?

HON. G. HAIG DOBSON: I think the Members are already aware from previous questions that the report is due on the 4th of September, next week.

MR. PRESIDENT: The Lady Member may proceed with her questions.

MISS ANNIE HUDSON HOOPER OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO. 38: Will the Member state the number of firearms' licences in the Cayman Islands and the categories?

ANSWER: The number of firearms' licences in the Cayman Islands at present is:

| | |
|---|---|
| Rifles | 110 |
| Shotguns | 289 |
| Handguns | 173 |

This represents an increase of only 68 firearms over the last five years.

SUPPLEMENTARIES:

MISS ANNIE HUDSON HOOPER: Mr. President, a supplementary question please. Is the Member aware of the fact that there are firearms in circulation which are not licensed?

HON. DENNIS E. FOOTE: Yes, Madam.

MR. PRESIDENT: Proceed to the next question.

MISS ANNIE HUDSON HOOPER OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

NO. 39: Will the Member state whether the offices of the Clerk of Courts and Lands and Survey Department are short-staffed, the number of vacant posts and categories in each and when it is hoped to have sufficient personnel appointed in order to cope with the workload?

ANSWER: The staff complement at the Courts Office is as follows:

| Posts | | |
|---|---|---|
| 1 Clerk of Courts | Filled | |
| 1 Deputy Clerk of Courts | Filled | Resignation effective 4th September. Ass't Clerk to act until 1st December 1981. |
| 2 Assistant Clerks | Filled | Resignation submitted for 9th November and 1st December. |
| 1 Bailiff | Filled | |
| 1 Librarian/Bailiff | Filled | |
| 6 Clerical Officers | 1 vacant | 1 resignation for 1st September. |

The Deputy Clerk to replaced by the Assistant Clerk whose resignation takes effect 1st December. The vacant posts as they occur are being filled either by existing officers or outside recruitment.

Out of a complement of 11 officers there is only one vacancy at the Clerical position at the present time.

Lands and Survey

The Lands and Survey Department now has a full complement of staff as provided for in the Estimates as the last vacant post of Assistant Registrar was filled by a transfer on promotion of a serving officer.

SUPPLEMENTARIES:

MISS ANNIE RUTH BODDEN: Mr. President, I should like to ask if the Honourable Member could state any specific reason why these people are resigning from the posts at the Lands House?

HON. DENNIS E. FOSTER: As far as I know, Sir, they have better offers from the commercial section.

MISS ANNIE RUTH BODDEN: Mr. President, another supplementary question, Sir. I should like to know the reason, if it can be explained, why do there such an overload of work not attended to if it has a full capacity?

HON. DENNIS E. FOSTER: Mr. President, it is like most of the Departments, Sir - they are overworked. You get it in spells. If the trend now is for less transactions they soon catch up and there would not be as much work. But sometimes you do get rush periods and the Land Registry is not a thing that you can deal with quickly, you have to be careful and cautious if things are to be done properly.

MISS ANNIE RUTH BODDEN: Mr. President, a further supplementary. I wonder if we could have some assurance that these people would be instructed that they must pay better attention to their functions?

MR. TRUMAN M. FRANCE: Mr. President, a supplementary. Will the Member say why this Department, the Lands and Survey, are closed to the public during a lunch hour period? In other words, Mr. President, why I am asking - why do not a part of the staff go for lunch so that the office can remain open for the benefit of the public?

HON. DENNIS E. FOSTER: Mr. President, that is difficult for me to answer, Sir. It is probably an internal office arrangement and I presume that what they do during that period they might deal or do some work on the stuff that is coming in in the morning and although they close to the public at three, they try to catch up with their work from three to five. I am just supposing this, Sir.

MR. TRUMAN M. FRANCE: Then why do not other Government Departments close to the public to do the same type of .....

HON. DENNIS E. FOSTER: Mr. President, I really would not say, Sir. As I said it might be some internal arrangement, I do not know. I know most of other Government offices do not close, but this is a technical department and they could have reasons for it - I really do not know, Sir.

MR. CHADDOCK FRANCIS: Mr. President, I would like to ask the Member to give an assurance that this will be looked into and find out the reasons.

HON. DENNIS H. FOSTER: I will, Sir.

MR. PRESIDENT: We will go on to the next question.

MISS ANNIE HYLTON BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 40: (a) Will the Member state whether the prisons have the services of a janitor and whether prisoners are used to clean the buildings and compounds?

(b) What is the cost to date of the new prison building and other buildings on the site?

ANSWER: These questions are related to the Portfolio for Internal and External Affairs and are being answered accordingly by the Member.

(a) The Northward Prison has no janitor. Prisoners are used to clean the buildings and the area in the compound as has always been the policy.

(b) The cost to date of the new prison building including staff quarters is $1,008,991.83 made up as follows:

Loan $411,007.80
Loan Funds $597,984.03

MR. PRESIDENT: If there are no supplementaries, we can go on to the next question.

MR. BENSON O. ANDERSON OF WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 41: Will the Member tell this Honourable Assembly what was question No. 10, Section 5 of the CXE 6/82 History of the West Indies Examination Paper set by the Welsh Joint Committee and sat by students of the Cayman Islands High School on 6th June, 1990 and will the Member make a statement thereon?

ANSWER: "Imagine that you are either Toussaint L'Ouverture or Fidel Castro and that you are writing an account of your life. What would you say in the chapters headed

(a) My career before my successful rebellion;
(b) Why I rebelled;
(c) Why my rebellion was successful;
(d) My greatest achievement as ruler;
(e) My greatest political disappointment?"

There are three methods for examining subjects in the CXE examinations:

(a) Mode I - an external examination based on the syllabus prepared by the Committee (Welsh Joint Education Committee).

(b) Mode II - an external examination on a syllabus submitted by the school and approved by the Committee.

(c) Mode III - an examination set and marked internally in the school but moderated under arrangements made by the Committee.

The Cayman Islands High School was given approval in the summer of 1975 by the previous Member for Health Education and Social Services known then as the Honourable Benson O. Nicholls, and the Education Department, to adopt Mode II for some subjects, History being one of them.

The CXC syllabus submitted to the MJEC in the summer of 1976 is as follows:

The course will be taught under the following headings, in approximate chronological order:

a) Caribs and Arawaks.
b) The Expansion of Europe under the Portuguese and Spanish in the fifteenth century.
c) Columbus and the coming of the Spaniards.
d) Spanish Colonization.
   (i) Treatment of Natives
   (ii) The Catholic Church
   (iii) Cuba
   (iv) Colonization of other islands
   (v) Economic development
   (vi) Spanish colonial government
e) The beginnings of colonization by European powers other than the Spaniards, English, French and Dutch colonization in seventeenth century.
f) The Pirates: French, English and Dutch.
g) Patterns of colonial government in English and French Islands.
h) The old colonial system.
i) The development of sugar in the West Indies.
j) The buccaneers.
k) The intercolonial slave-trade.
l) Colonial rivalry in the eighteenth century.
m) The British Revolution.
n) Movement for the abolition of the slave-trade.
o) Abolition and Emancipation.
p) Difficulties encountered after Emancipation
   (i) Labour, (ii) Decline of sugar.
q) The Morant Bay Rebellion and the introduction of Crown Colony Government.
r) The difficulties encountered by WI sugar producers in second half of nineteenth century.
s) The extension of US influence in the Caribbean.
t) Alternative crops introduced in twentieth century.
u) Social Services development in twentieth century.
v) Movement to federation in the BWI.
w) Movement towards independence in BWI.

Biographical studies on:

Cuba, Bartolome de las Casas, Francis Drake, Thomas Warner, Henry Morgan, Toussaint L'Ouverture, William Wilberforce, William Knibb, George William Gordon, Paul Bogle, Eric Williams, Norman Manley.

SUPPLEMENTARIES:

MR. BENSON O. NICHOLLS: Supplementary, Mr. President, I would like to thank the Member for that very explicit exposition on the syllabus.

Will the Member confirm that the CSE syllabus is prepared within the Cayman Islands, based on the UWI 'O' Level syllabus and further that this syllabus is exclusive to the Cayman Islands?

HON. TRUMAN M. BODDEN: Whether or not the CXC is based on the GCE, I do not know, but I would assume not. However the syllabus in force and the one upon which this question was written, is the syllabus which the Honourable Member asking the question prepared. It is prepared internally by the school, approved by the Portfolio and the Department, submitted to the Joint Education Committee and based on that syllabus or the syllabi, these questions are set. However, I must say, having looked at what was put there, perhaps the time has now come when I should look in more depth at this and perhaps other of the syllabi which may not necessarily have been reviewed or dealt with by me during my term.

MR. BENSON O. EBANKS: Supplementary, Mr. President. To refresh the Member's memory, I would like to refer him to the written answer given to a question, given to him by me two meetings ago, in which he stated that the Certificate of Secondary Education was in fact prepared by the Cayman Islands High School six years ago using the Cambridge 'O' level syllabus as a model. So there is no doubt that the 'O' Level syllabus is similar in all respects to the CXC syllabus. In fact, there can be a switching within the system up to the last year.....

HON. TRUMAN M. BODDEN: Mr. President, I am wondering, on a point of order if the Member is making a statement or whether he is going to ask me a question.

MR. BENSON O. EBANKS: Yes, I am going to ask if you remember having stated that in a written reply?

HON. TRUMAN M. BODDEN: Mr. President, having refreshed my memory, that is correct and I apologise for not having remembered it. I am never too big to do that, I will remind this House.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. Will the Member state whether a student would have been expected to answer this question without having studied the life of Fidel Castro in detail and having a thorough knowledge of his life?

HON. TRUMAN M. BODDEN: Mr. President, that is a question which under 22(1)(e) I do not think I can answer. The Member has asked me for an opinion on a subject and quite frankly I cannot answer you. I do not intend to give any opinion on that.

MR. BENSON O. EBANKS: Mr. President, it is obvious that the answer must be yes. Nonetheless, I would like to ask a supplementary.....

MR. PRESIDENT: I think that is an inference which cannot be supported. The Member is drawing an inference which is not allowed under the same Standing Order.

MR. BENSON O. EBANKS: I bow to your ruling, Sir, but I think it is clear from the preamble that the Member gave us the written answer to this question.....

HON. TRUMAN M. BODDEN: On a point of order, Sir, I think this is going too far. You do the courtesy of drawing the Member's attention to 22(1)(e) which I did and he turns around and stands up and says the same thing. I mean that is getting nearly contemptous.

MR. BENSON O. EBANKS: Would the Member state how this heading in the syllabus conforms to his published education policies or differs from the objection raised by the Caribbean Examination's Council on a specific item of the Cuban revolution?

HON. TRUMAN M. BODDEN: Mr. President, I am not certain whether that is relevant to this and quite frankly it probably would take me to research for some considerable time to try to work out any differences here. That question of the comparison had already been dealt with before and I guess I can really do no better than to give the the same answer that I gave then which the Member reminded me a little bit earlier and that is that the Caribbean Examination's Council syllabus is geared towards the post-independence era in the Caribbean and is designed to inculcate the spirit of anti-colonialism and anti-imperialism and a strong nationalist movement in the area. This is inappropriate in the Cayman Islands which still retain colonial ties with Britain and remain a dependent crown colony.

In the Jamaican Sunday Gleaner in April 1977 it published as follows. This is an example of what I have said. "Criticism so far about the syllabuses is that they have been approached with a view that Caribbean students are some strange peculiar breed of people and that everything that has been taught up to now however they have been influenced by the metropolitan countries has been imperialistic and colonialistic inspired. Hence the syllabuses for producing the new Caribbean man, the parents being the old countrodden ....."

HON. BENSON O. EBANKS: Mr. President, on a point of order I asked specifically with regard to the objection and demurrer in his policies to the Cuban revolution.

HON. TRUMAN M. BODDEN: Mr. President, he also asked me what is the difference between the question and the Caribbean Examination's Council and that is what I am telling him. I will go on at the end and make whatever comment I can in relation to the Cuban revolution. So if I may now finish the first part of the question, I will go on to the other part.

"Hence the syllabuses for producing the new Caribbean man, the parents being the old dependent Caribbean man and woman, should be a new beginning and departure.

Once again the difference is that we are to feel the Caribbean Examination's Council on such. Perhaps because failure has such a frustrating and lasting effect that students are to receive a certificate of performance on their five year course consequently all examinations will be marked in five grades." The Caribbean Examination's Council in setting up these examinations was that having achieved political independence it was now seeking academic independence from Britain or such. Their aim was to mold and shape their syllabi in all subjects to meet the post-independence needs and political views of the region. An in-depth study of CSE syllabus will show that its focus is on social and political life and is therefore more open to manipulation and interpretation of a sort which can only be determined in the Cayman Islands.

So there is a very marked difference between the two. However, Mr. President, not being the author of the present syllabi, nor having been in office at the time it was approved, I am sure you will realize I am under some difficulties in the interpretation of certain aspects.

The question that related to the Cuban revolution-presumably falls within the the syllabus which the Member and I do not know what questions are set in Caribbean Examination's Council on the Cuban revolution. All I really have is - well because that the Caribbean Examination's Council was stamped by me some time back, those exams. All I do have in this question here which seems to be a comparison between a revolutionary or a revolution by Toussaint L'Ouverture and Fidel Castro. I suggest the Welsh Joint Education Council was sufficiently prudent to set it within the 1971 syllabus context. Now it somewhere, like I said to a question in CSE without seeing that question, I do not think I can

HON. TRUMAN M. BODDEN (CONTINUING): comment or really give an opinion on. But the distinctive principles between the two types of exam have been very clearly set out in the last answer and the CSE goes far beyond Quite in the content of syllabus. I mean it goes into many things far beyond it, not just the history of certain things, it is an intent to create a strong nationalist movement in a certain situation which we are not heading and I hope that we never hit. I cannot help beyond that, Sir.

MR. BENSON O. EBANKS: Mr. President, for the records I would just like to say that the Member should have indicated that what he was reading from the Daily Gleaner stopped at "will be marked in five grades". After that it was an expression of opinion of his own.....

HON. TRUMAN M. BODDEN: No, no, with respect, Mr. President, that is a continuation. He has it before him. You know the question, look. It begins "for one which five grades".

MR. BENSON O. EBANKS: If you notice you have inverted commas at that.

HON. TRUMAN M. BODDEN: Mr. President, I always understood when you quoted something you put it in inverted comma. I do not know if that has changed.

MR. BENSON O. EBANKS: Mr. President, that is the point I am making. Therefore the quote stops at "five grades".

MR. PEREIRA: We are getting into a debate on syllabuses which goes far beyond the original question.

MR. BENSON O. EBANKS: Mr. President, the purpose of the question and the supplementaries was merely to demonstrate the similarities in the syllabuses.....

HON. TRUMAN M. BODDEN: No, I object Mr. President. He is making a statement again. I mean he is making a statement, Mr. President, and this has to stop at some stage. I am not entitled to get up and make a statement unless he asks me. He asked me and I made it. Now he is not entitled to get up and make a statement. He must ask a question. So I would ask that this sort of thing be expunged from the records where it is out of order.

MR. BENSON O. EBANKS: Could I ask a supplementary then, Mr. President. Is the Member saying that he compared his educational policies without having studied the syllabus of the CSE examination that were then enforced.

MR. PRESIDENT: That is far beyond the original question. It must be disallowed.

MR. BENSON O. EBANKS: I bow to your ruling, Mr. President, but he introduced it in the answer. So I think I am entitled to have it clarified.

MR. PRESIDENT: We will go on to the next case then.

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST MINISTER AND MINISTER FOR AGRICULTURE LANDS & NATURAL RESOURCES

QUESTION: How many applications have been made for the construction of new condominiums since the amendment was made to the Development and Planning Law (Revised) in February, 1981?

ANSWER: Five (5) applications have been made for the construction of new condominiums for 200 units valuing $17.2 million.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Has the Central Planning Authority collected any fees or have any houses been built in lieu of the fee since the amendment to the Planning Law was passed?

HON. JOHN H. MCLEAN: Mr. President, I thought I was duty bound to answer supplementaries on my original question.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, all he said here was five applications have been made for the construction of new condominiums of 200 units valuing $17.2. My question was has the Central Planning Authority collected any fee or have any houses been built in lieu of the fee? This question he has not answered, Sir. I beg that this question be answered, Sir.

HON. JOHN H. MCLEAN: Mr. President, I still do not feel I should answer this question, but however I do not have the information with me and if the Member cares I will investigate it further.

CAPT. CHARLES L. KIRKCONNELL: I would like to have a reply in writing then, Mr. President.

A further supplementary. Is the Member aware that the Central Planning Authority is having difficulty administering this new amendment?

HON. JOHN H. MCLEAN: Mr. President, not to my knowledge.

CAPT. CHARLES L. KIRKCONNELL: A further supplementary, Mr. President. Has the Government selected a site on which developers would be able to build a dwelling unit in lieu of paying the $5 fee?

HON. JOHN H. MCLEAN: Mr. President, this would be dealt with under the new Housing Authority which is not under my portfolio.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, who was not this question then directed to the proper Member?

HON. JOHN H. MCLEAN: Mr. President, the original question was directed to the correct Member, but the question the Member is asking now is not.

CAPT. CHARLES L. KIRKCONNELL: With respect, Mr. President, I beg to differ, Sir. I think it is very relevant and I think it relates to the original question.

MR. CARLTON E. SMITH: Mr. President, with your permission, Sir, I would like to ask the Member one supplementary.

Could the Member say how the figures of 5 applications for 200 units valuing $17.2 million for the period mentioned compare with the same period in 1980?

HON. JOHN H. MCLEAN: Mr. President, for the same period mentioned there were 15 applications with 307 units. However the value was only $40.7 million.

MR. PENSON O. EDGHILL: Supplementary, Mr. President. Could the Member state whether any of the five applicants had elected to pay the fee and if so how many as opposed to taking the second alternative of providing the houses?

HON. JOHN B. McLEAN: Mr. President, I am not certain of what the Member has asked.

MR. PRESIDENT: It is now eleven o'clock and I must have question time to a close.

## PRIVATE MEMBER'S MOTION NO.2

### REMOVAL OF DUTY FROM IMPORTED DRINKING WATER

MR. W. NORMAN BODDEN: Mr. President, with your permission, Sir, I beg to move Private Member's Motion No.2 which reads as follows:

"WHEREAS it has become necessary to import large quantities of drinking water for use by both residents and visitors alike

AND WHEREAS many of the poor people of these Islands who do not have proper water storage facilities purchase this imported water almost all year round

AND WHEREAS the use of this water for drinking purposes will help reduce the possibility of outbreaks of water-borne diseases such as gastroenteritis that has claimed several lives in the past, and thereby protect and improve public health

AND WHEREAS import duty has been removed from some luxury items as well as certain other unessential foodstuff

BE IT RESOLVED that in an effort to reduce the cost, particularly to poorer people of these Islands, consideration be given as early as possible to have the removal of duty from drinking water."

I respectfully beg, Sir, to move this motion.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to second the motion.

MR. W. NORMAN BODDEN: Mr. President, I have brought this motion before this Honourable House today, not to trouble the waters but to formally bring the fact to the attention of Members that there is a definite need and demand by the public for imported drinking water, and secondly, that this water is also used by many of our poor people who would benefit from, and I believe appreciate, being able to obtain this at a better rate.

I firmly believe that as a representative of my people, it is my duty and responsibility to seek ways and means of assisting with any need that arises of which I am aware, either by personal observation or one which has been brought to my attention, especially when that need can reasonably be met and without creating undue hardship to anyone. This being the case, Sir, I therefore have reason to believe that this motion will receive favourable support from all Honourable Members of this House for which I thank them in advance.

MR. V. NORMAN BODDEN (CONTINUING): Water is one of those ordinary household items that we sometimes take for granted until the cistern runs dry or until someone becomes ill from drinking contaminated water. The saying that you never know the good of a well until it has gone dry, can be taken literally in this case.

Good water is very essential to good health and I am sure that all will agree that it is a most important and necessary item that we just cannot do without nor substitute. It must be made available one way or another.

Therefore, especially during the dry season, merchants of these Islands, for many years now, have been importing drinking water for local consumption in gallon and half gallon sizes from the United States. Many of our people have found it safer to use this imported drinking water for themselves and their children, especially infants. It is common knowledge, Sir, that the use of this type of water reduces or perhaps eliminates the possibility of gastroenteritis and other water-borne diseases.

Caymonians, in the past, have had more than their share of sickness and death due to this and we must not believe that it cannot happen again. Some of our poor people who lack proper storage facilities find it more convenient and easier to purchase a gallon or two of water each day for their use. One never knows, to some of them it could be somewhat of a luxury to have their own gallon of imported drinking water. Why should we not make it as easy as possible for them to get it if they so wish?

It has been said that it can be boiled. Sure, it can be boiled, but boiling it costs money too and many of the people that I refer to find it hard to cook their own food with what facilities they have, much less to add another hardship of having them boil water to drink. Besides, anyone who has ever drank boiled water that has not been refrigerated, will then know that it is hardly palatable.

I have personally seen people from the Water Road area, better known as Dog City, who come to the store almost every day to purchase a gallon of water if no other item. Maybe it is all that they can afford that day. I do not know, but you know it has been proven that man can live a longer time without food than he can without water. So its importance, Sir, to me, can never be over-emphasized. It can be said that these are simple points, these are simple things, but to some people they mean a lot.

It is also a fact, Sir, that even during this time of the year, during our rainy season, many people still continue to buy this water, granted perhaps, in somewhat less quantities. Additionally, there are those visitors to our Islands who are reluctant to try local water and so they also buy it. I would not deny that.

Now, I would like at this stage to make it crystal clear, Sir, that I am one who strongly favours local industries and believes that they must be supported and encouraged. I am not unmindful of what Cayman Water Company is doing and the role it is playing in meeting the demands of our water supply in Grand Cayman and I think that they are doing a commendable job. But I also know that they have their limitations too. I am also aware that their franchise is restricted to a certain area.

I recognize too, Sir, that our Government has plans eventually to implement a water system that will be a benefit to all. But to refer to a good old Cayman saying, it is also true that while the grass is growing, the horse is starving. That there is a growing demand by the general public that has made it necessary to continue to import water on a more regular basis, cannot be denied. It will be interesting to note that for the whole year of 1980 there were 64,888 gallons imported, while for only five months of this year there has been a total of 58,412 gallons imported or an increase of 19%. But a check around town also indicates that merchants are expecting new shipments and they are presently out of stock. There is no doubt that shipments will continue to come in for some time.

MR. K. NORMAN SOMERS (CONTINUING): Comments I have had from various merchants are that they have had to place a limit on the amount that can be purchased by each customer, there is such a demand. Another said, "We have sold more water to the local poor person than to anyone else, and you can quote me on that".

Again there can be no doubt that the demand is there, that more people used it and buy it and that they too would stand to benefit if duty was removed from this item. I mentioned before, not in a disparaging manner, but after all they are the people whom we should bear in mind. It would be more noticeable to them. They feel the pinch of the penny and appreciate and thank you for helping them to save a few cents here or there in their everyday lives.

Mr. President, it is appreciated that Government is heavily dependent on the collection of import duties for the revenue - I recognize that fact, as well as everyone in this Honourable House. However, surely if duty can be reduced and in some cases removed from many luxury items and certain foodstuff, I say that consideration can also be given to providing an essential item, like water, similarly.

At present an import duty of 20% is paid on water and it retails for an average price of $60 per gallon. The amount of 53,418 gallons that I have previously mentioned, would therefore represent approximately $6,282.27 in import duty to Government. So we are not talking about a lot of money that would result in any adverse effects on a Government with a budget of $90 million.

Whether it is believed or not, there are people out there, Sir, who would welcome and appreciate any possible savings, small though it may be.

Mr. President, I am asking all Honourable Members to support this motion and I honestly believe that they will because it is reasonable, because it will prove helpful to our people and last, but not least, because it is also their duties too to help. I believe that that is the reason we are all here. Afterall, if favourable consideration can be given to removing duty from imported drinking water, this will not be setting any precedent. I am only trying to achieve what others in this Honourable House have done in the past and still try to do presently and in the future, and that is to give our people a break on any essential items whenever possible.

In fact, Mr. President, to refresh Members' memories, I note a very close relationship between this motion and what was debated some time ago as the 'mango chicken and potato bill'. Our objectives are the same. Our Government will suffer no great loss. The economy is still fairly healthy, thank God. It was good for the people then and this will be good for the people now and our people today deserve no less treatment and consideration.

Thank you, Sir.

MR. PRESIDENT: The question is, be it resolved that in an effort to reduce the cost, particularly to poorer people of these islands, consideration be given as early as possible to have the removal of duty from drinking water.

The motion is open for debate, but at this stage I will suspend proceedings for fifteen minutes.

AT 11:16 A.M. THE HOUSE SUSPENDED

*HOUSE RESUMED AT 11:35 A.M.*

MR. PRESIDENT: *Please be seated. Proceedings are resumed.*

HON. TRUMAN M. BODDEN: *Mr. President, there is a saying that if you give a person a fish to eat, he will eat it and be hungry the next day. If you give him a fish hook and some bait, he will continue to catch the fish and he will have the perpetual solution to his problem.*

*I agree that drinking water in any country without large underground or on-ground reserves do always a problem and I also agree that during the dry season that problem becomes more acute. But let us analyse the situation here. The aim as I see it should always be for a country and a Government to provide a continuing solution to the problem. At the moment, I do not think we really pay much of an answer to a problem. If this Legislature is genuinely worried about providing people with drinking water in these Islands, then quite simply the answer is to provide a house which has a roof which catches the water that goes into a reservoir or a cistern and you are then solving the problem. So the long-term solution is very simple. Support the construction and the extension of houses in the Islands and you have solved the poor peoples' problem. What you are doing now, and I will go on to deal with whether it is really going to benefit poor people to any extent, but what we are doing now is not even a drop in the bucket for these people and for all people here.*

*It is at this stage, I think, a very obvious and a very simple line that has to be taken by this country and they must simply support the housing Bill, produce more houses, get more roofs, have more cisterns and then everybody is happy. So to say that this is going to be the answer to the water problem in this country is really a serious short-fall.*

*Let us look at the way that traditionally people in this country have lived. I drink water from a cistern, as indeed does everybody within this Legislature. There have been periods of time I have drunk water from a well and it is really only very recently that there has been any amount of importation of water and it is really minute when you look at it from the point of view of the amount consumed by a normal human being each day.*

*Reference was made to Bay City and removing there purchasing water. I am not saying that that may not be correct to a limited extent, but how much harsher would not those poor people be if they could have water beating on a roof which did not come through the roof to the floor, but went into the 500 gallon catchment that it is proposed that will be established for the houses in Bay City. In one week then they would have the equivalent of 500 gallons which is the equivalent of another $500 in their pocket. That is really the reason whether Women propose to just go to it or not.*

*The Committee relating to that and solving the water problem there had proposed a two-way solution. A water system supplied through a normal well and pressure-pump system to deal with non-drinking purposes and small catchments which would be situated and through gravity provide the necessary running water which these people could afford. But once as they cannot afford to extend money for electricity to keep an individual well or cistern water-pump running, so they cannot afford to purchase water at $10 or $1 a bottle. I am not convinced that the larger portion of this, whatever it is here 11,000 gallons, is not used either by persons who are not poor and even more so by tourists who are not Caymanian.*

HON. TRUMAN M. POSTON (CONTINUING): It is known that as tourists increase and quite frankly when I go to a foreign country I either drink a type of bottled or canned or otherwise purified water because one never really wishes to run the risk of upsetting one's physical stomach behaviour within a country. I think there are more stomach upsets to visitors going to countries drinking water, doing things such as eating icecream which is vended on streets and that sort of thing, but if you look at it locally then that really is not as I see it the way that people at this stage are acting. I doubt if I am wrong, but I cannot see a poor person going into a store, buying a gallon of water for $1 when the choice is between that gallon of water or perhaps $1 worth of sugar or potatoes, salt beef, this sort of thing that in the past import duty was taken off of. I do not see it in the event of a choice between necessities as a person doing that.

I believe that to left import duty off this that 80% to 90% of the benefit is going to flow to non-Caymanians and a substantial part of the remainder to people who can afford to buy water. Quite frankly it goes against my grain, with the amount of water in this country, to have to go out and pay $1 for a bottle of mineral water, and I want to point out as I go further down and deal with the question of gastroenteritis, that it is mineral water. It is not as such purified water in all instances.

Let us take the recitals to the resolution. The first states that it has become necessary to import large quantities of drinking water. What we are importing in a year is 45,000 gallons. That is really a drop in the bucket. I believe that the American Health Organization feels that an average person uses, not necessarily consumes, 50 gallons a day. What it goes on to say is for use by both residents and visitors alike. Well that is correct, but the percentage thereused by residents is substantially less than what is used by visitors.

The next recital states that whereas many of the poorer people of these Islands do not have proper water storage facilities, purchase this imported water almost all year round. Well, what I have said earlier, if you give them the $500 they may, per person, have about 6 months supply of water bought. On the other hand take the $600, which is what we had envisaged it would cost for a fibre-glass container to be purchased and set up, or at least purchased, at a house, and you have those $1 gallons dropping in there morning after morning and night after night as the Lord produces the rain.

So the recital in normal that there are not proper storage facilities, but the solution is to provide proper storage facilities and that is precisely what can only be done in this country by producing houses which have roofs where the water goes into gutters then into the catchment. So the answer is very simple. We start to build some houses for these people and you have solved 80% of their problems, naturally building under the Housing Law.

The third recital states whereas the use of this water for drinking purposes will help reduce the possibility of outbreaks of water-borne diseases such as gastroenteritis that has claimed several lives in the past and thereby protect and improve public health. The American Health Organization regard that the only true way of making water pure on a large basis is by bringing water to a boiling point for twenty minutes. Because mineral water does include not just bacteria at times, but I understand mineral water can include many of the ferrous or phosphate or sulphuric type of toxic metals in it. Perhaps some do not. But the true answer and the answer which is medically given to deal with bacterial, viral, parasitic and toxic disorders is the boiling of water. That is the medically prescribed solution to that problem.

Gastroenteritis is a very general term used to describe many, many disorders, many of which are of unknown and uncertain cause. And it can be transmitted by methods other than water such as food crops grown in the soil. It can also be in food and contamination can even go to the extent of being in flies and other animals depending on what is eaten.

HON. ERSKINE M. BODDEN (CONTINUING): In many of the wells in the inland, some, especially in the George Town and the West Bay area, the water does have a content in it normally from polyform organisms which can create stomach disorders. But the answer is to take two cents of kerosene or surprise and bring water to a boiling point, if not for the twenty minutes then for a short period of time, and it will kill this type of bacteria. That naturally cannot deal with any type of phosphorous or other types of minerals that may be in the water.

. . . . . : It is not fully correct to state that gastroenteritis has claimed several lives in the past because in the near past there have been, in the last decade, two deaths. One a child in 1975 and the other a male on the 9th of January 1976. There have only been two really in the past ten years or so, but there was nothing to mean those deaths directly back to water as against food or any of the other transmitting types of, or modes of transportation of gastroenteritis viruses.

What is very interesting is that this did occur during the long hard recession that was winding up at that time and it could well have been not just water because they would have followed the water process traditionally in the part of drinking rain water. They could well have been from either a lack of funds to perhaps nowhere or to have food for the short periods that were necessary. Stale food which gets bacteria in it can also cause this. It really can be spread from many, many things. But the other interesting thing really was that the dry season at least had not come on in the 9th of January 1976, but really traditionally comes some two months further down. So to use that and to endeavour to put forward what could mean any concern amongst visitors to the Islands or residents here that there can long amounts of gastroenteritis or a large amount of deaths caused by it is really not correct. In fact the incidents of deaths have, and in this instance it was a young child I understand and I believe a somewhat elderly person is very rare and I do not feel that it is any problem to worry about.

The other thing in relation to that is a lot of this water is mineral water. It is not necessarily purified water out of which both the bacteria and minerals have been taken. To improve the health of the poor I believe that if subsidies must be given or import duty taken off further consideration, which I fully support and I will always support a reduction of import duty on basic food stuffs, then there are many things that are far more important which are consumable and unlike the rain water that comes from above, cannot be conserved by these people as easily as can the water, then let us look at these things.

There is no comparison between matters such as rice, potatoes, milk, sugar, flour and water. It is quite readily realised from above provided that this country carries out a building programme to provide these people with the necessary facilities to get their own water.

The fourth recital states that whereas import duty has been removed from luxury items as well as certain other selected foodstuff. The removal of duty, and here I can only believe that this is referring to the duty-free products which are purely luxury items, has really not been done by this Government recently. We have had a history of, in fact probably the only history of that length of time with the exception I believe of a clarification of cut and uncut stones or precious stones or something like that we once removed up, of only taking import duty off necessities which are used to a large extent locally.

If the Member feels that we should take and put import duty back on certain luxury items and reduce it off further selected foodstuff, to use his words, then by all means that is something he may wish to look at. But the implication here is that this has been in the recent past and that is really not correct. I would expect what he means is that if this country had to choose between taking import duty off selected necessary foodstuff for local consumption and put it back on luxury items from which import duty has been taken, that that would be supported, and perhaps that is very logical. Enormously large amounts of

HON. TRUMAN M. DODDRIDGE (CONTINUING): duty are not collected on the luxury items that have, for many, many years now, been duty-free. So the principle in that part of the motion would appear, in the light of the content of the motion, to be logical having regard to the circumstances around the motion. I am not certain what the approach may be to that if it did arise, but like I said if it is a choice between the two, then it is logical the way one should go.

Then the substantive part of the motion states that be it resolved that in an effort to reduce the cost, particularly to poorer people of these Islands. And this is where I join issue, when I say that I mean in the legal sense of differing with the mover of the motion, I do not believe that the impact of this reduction is going to benefit particularly the poorer people. I think it is going to benefit particularly the richer or better-off Caymanian and the tourists do, and quite rightly so, purchase and drink containerised water.

But let us take this a slight bit further. If there is this problem then for twenty cents a gallon you can purchase what is equivalent to, not twenty cents I think it is thirteen cents plus a small amount for a fuel factor, you can purchase desalinated water from the Water Company. This water is sublimated, I believe, to extreme heat and it is probably far more pure than just mineral water. So looking at it and realising that most of the poorer people may be accommodated in certain areas such as the borehole water mentioned in the Bay City area, then it seems to be a very simple solution to run the nine hundred thousand feet up from the end of their franchised area and provide a large catchment there from which bottles of water or alternatively transfers of water could be made to these people.

If this money that is being taken off, that is if the House feels that they cannot support what I think is a long-term solution and that is to support the Housing Scheme and provide clean water to the people, then the next best alternative, from an economic point of view, would be something along those lines.

The motion and the amendment, I believe, undoubtedly, genuinely feels that the motion is one which is going to be filtered down particularly to the poorer people. But I would challenge that. Secondly, the economic situation has to be looked at. This Government has not gotten to where it is without very prudent, effective and well administered economic planning, and if we can provide water of a similar type and purity at thirteen cents a gallon to the poor, then the thirteen cents that we are taking off in duty would actually benefit the 90% of the dollar or whatever it is which would be about twenty cents, but would at least be thirteen cents) give them the thirteen cents and let them buy the full gallon of water here and there is nothing out of their pockets.

The third best alternative, naturally, is to put them in a position where, with an expenditure of perhaps $500, they have the means which will make their future.

To sum up following on that therefore, I refute the neutral made relating to gastroenteritis. It is, as I said earlier, not a problem here. We have good medical facilities if and when this arises it is usually dealt with at the hospital by qualified staff and it arises from many, many different things, not necessarily water.

The increase in water being imported which is a small amount can well be, I think, geared to the 15% to 7% increase that one has in tourism each year as a result of the good Government within the Islands. So that that can be combined on a different footing. The situation therefore, in summary as I see it, is that I would ask this House to come to grips with the water problem for poorer people. To support the long-term solution that I have given - firstly because that is the only answer I see and it is really an investment money along with the solution to about 90% of the poorer people's other problems. Secondly, if they do not feel they can support that as they have not done on the vote, then let us look at the Local Water Company and endeavour to purchase water from them at the thirteen cents per gallon that we are taking off the import duty. This is saving the poorer persons from paying at all for water which is the

HON. TRUMAN M. BODDEN (CONTINUING): attach that it has always been, really, that the medically prescribed method of purifying water, namely to boil it which can only cost a couple of cents to the person, should be followed and that I recommend fully as it is recommended by the international communications on health. And really lastly, if there is a complete reflection of all of this then the last resort would appear to be the few who can afford to purchase water, the motion would appear then to justify in relation to these. But if there are only 10% or 15%, I believe that the majority of them may well be already receiving certain income either from the Government or from the National Council of Social Services or the many other innumerable organizations in the Island, then let us supplement these. We supplement at the school, for instance, lunches, but we do not go because we have to supplement that, and lift the duty off everything that is sold there.

I would just like to end by pointing out that I do not feel that there is justification for this motion in the light of what I have said, but that I am always and I shall always pursue a course which helps to relieve poorer people of the burdens which they have on them and I would suggest that the Senior persons look at the basic necessities such as things like sugar, flour, that have been dealt with in the past rather than the God given necessity of good water from above and that his efforts move towards that in the future which I will support naturally all the way. This just reminds me, in conclusion of the rhyme of the ancient mariner. I would imagine a poor person with a choice between perhaps buying a dollar of sugar or a dollar of water and really looking around him having had to make the choice to buy the basic necessity and to devise a method to get the God given necessity - as looking at the many bottles of water with no money in his pocket and without saying, if that was the only supply of water that he had access to, which I do not think, water, water everywhere and not a drop to drink.

MISS ANNIE HUDSON DODGE: Mr. President, after hearing the eloquent introduction of this resolution by my brother next to me, I thought I would just have to say I agree. But hearing this long drawn out debate from my little cousin on the other side, I feel that I must state the facts of this water situation.

First and foremost I am ninety-three years of age, I was born in rain water because my mother told me, at the time of my birth in 1868, there were three cisterns in Grand Cayman. Lambert, who owns the building which is now occupied by the Customs, Jack Rivers, an uncle of my father's, and my father's and our cistern was a source of supply for the whole White Hall. So rain water is nothing new to me, but I do not drink this contaminated water which now is in my cistern because we must agree that this aerial spraying, that, with all the chemicals and so on to kill the mosquitoes, naturally when rain comes and gutters have not been removed, that contaminated water goes in the cistern. And I feel, Mr. President, that this is just a little small gesture that we can do for, as they term the Dog Islands and not only Dog Citizens, George Town citizens all alike because all who can afford it now drink this imported water.

I am not a world traveller like some of these people here, but I have been to certain cities in the United States and there was only one place that I felt that I would drink the water and that was New York city. All around Florida to me it was far worse than our worst well water here. As a result I did not drink it. And with all the things that we use, water is an ingredient. Can we boil rice without water? Can we boil potatoes without water? - No, and I am very sure when it comes to the test that anybody would rather do without food than without drinking water. And I feel, Sir, this is as little as we can do to try to alleviate the suffering of a lot of people.

MISS ANNIE HULDAH BODDEN (CONTINUING): I have personally given out many a dollar to people to buy water to drink and I feel that I was doing my God-given right to keep an epidemic from breaking out in this Island.

Our late Capt. Reid, practically every session, viewed the water situation in these Islands, or in this Island in particular, very seriously. And my little cousin there is now aware of the fact he is too young, he is a boy to me, that at one stage.....

MR. PRESIDENT: I think the Lady Member means the Honourable Member.

MISS ANNIE HULDAH BODDEN: Well, the Honourable Member. Well, he is still my little cousin, Sir. The Honourable Member, the representative for George Town, I feel, Sir, that he was too young to remember an epidemic which swept this Island. I think it was after the 1932 Hurricane and it was at a time when no doctors were here and at least forty several very prominent people died with what they called in those days, dysentry. And we do not want an outbreak of that if we can avoid it. And the health of any country depends on the proper intake of water and I feel we can do no less than to support this motion.

My good friend here, like myself, was raised under very poor circumstances and if it was in the days now as it was in those days, you would have to go in the bush in rainy weather and get the wood to boil the water. But thank God we have gone beyond that stage and I feel, Sir, that we can do no less than to support this resolution.

Now I know coming from this side that there is a lot of conflict, but the little amount of money that this Government would lose would be very small considering setting up this Housing Bill which I object to 100% and I hope and pray and trust that that will fall to the ground. And no poor person would benefit from that and about providing water and $500 and this and the other thing, the one generous man in the Cayman Islands was our late Major Roddy Watler who gave those Dog Citizens the very land they had to build on. And I am very sure could he have afforded it, he would have provided the cisterns as well.

But, Mr. President, I support this resolution 100%. Now, as has been said, luxury items can be well done without. I will go to Treasure Cove or Kirk Plaza and I will pay $30 or $25 for a bottle of perfume. I will go and buy this expensive jewellery which I could easily do without, but I owe myself some little thing and that is the little pleasure I get. But in the meantime, that does not deprive me of seeing less fortunate people's needs and I feel, Sir, we can do no less than to give this simple concession and I support it 100%.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support the motion. I thought it was well presented, a very simple and straight forward motion and I call what we have just heard from the Honourable Second Elected Member nothing more than straining at a gnat and swallowing a camel and making a mountain out of a mole hill. Because, Mr. President, what he has offered as a solution is no solution. He has said if you give a person a fish you feed him for a day, but if you teach him how to catch that fish you have fed him from here on. What he is saying is that we must forget the $6,000 of duty and think of paying $40,000 to $50,000 and then supplying the people with water from that roof. I beg, Sir, if this is a solution this is something similar to what was written in one of the papers some weeks ago that there were so many people without bathrooms - the answer to that was to build them a new house. Not a bathroom, but build a new house.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, there is a definite need for drinking water in this community. It is not only the expatriates on the lower off who are buying this water, may by the way, Sir, the water that we are importing here, if you will check on it, it is purified mineral water. It is not just mineral water, it is purified. It has been recommended, doctors recommend it to their patients so I think that it has some merit to it and I do not think a doctor would recommend drinking water that had impurities in it.

I feel that it is a responsibility of us here in this House to help those who are in the lower bracket whenever the opportunity arises and we can afford it.

The Second Elected Member implied that we, on this side of the House, have blocked the Housing Bill and we will not support the Housing Bill. This is not correct, Mr. President, we support a Housing Bill, but we did not and I will not support the Housing Bill that was presented and rail-roaded through the House in Cayman Brac some time ago. The Member that introduced this Housing, we reluctantly acted relate this Bill to the lower and medium income families and we will support it. This was not done and we would not support. He went on, and it is on record, and said that the houses to be built - it was not that the Housing Authority was not going to be a charitable organization, they were going to build houses for people earning between $16,000 and $20,000 a year. The lower income bracket in our community, Sir, earns a lot less than this. And this is why the Bill was not changed to the lower and medium income people in our community who need houses and I will say again, Sir, we will support a proper Housing Bill if and when it ever comes through.

To get the water from Cayman Water Company as the Honourable Second Elected Member suggested, I would ask him to pick up the telephone after he leaves this Honourable House and ask the Cayman Water Company to deliver him 5 gallons of water. I am sure what the answer would be - they only sell in tank-wagon loads of 5,000 to 8,000 tanker loads. They do not retail water.

I checked carefully with our manager in the supermarket and I also checked at the wholesale department to find out just who are buying this imported water. The reply that I got in both instances, the locals are buying more than 90% of the water which we are importing into the Islands. If we can afford to plant seeds in the United Kingdom for $30,000 a year and in the United States for $50,000 a year, I cannot see what we are here grumbling about and making a big mountain out of $6,000 a year.

How long, Mr. President, will it take to solve 80% of the problems by building houses? We are looking at ten years down the line. The need is now - our people need help now. Gastro-enteritis is only one of the water-borne diseases. There are many diseases that are carried by water. There is typhoid and many other types of diseases. I cannot see the big objection to a very, I will say it again, simple and straight forward motion. I hope that the Members will give this careful consideration and help those who need help.

MR. BENSON O. EBANKS: Mr. President, like the last speaker I thought after the able presentation of this motion I would have been able to sit back and just vote yes and while I am sure that the mover of the motion will deal ably with many of the points that have been made during the debate in opposition to the motion, I think that it is incumbent on me now to say something in support of the motion.

I would first say that we are not here dealing with the Housing Bill or the supply of houses for poor people. I believe that that is something that is supported by every Member in this House - that is the supply of houses in the Islands and it is something that is near and dear to all of our hearts. But, Mr. President, the crux of the matter is that water caught from the roof of a house, even though it comes from above, is not in itself pure and in fact it is the cause of much of the problems of disease or illness which we are talking about.

MR. BENSON O.SOANES (CONTINUING): And we are burying our heads in the sand if we say that gastroenteritis is not a problem in this country. It may be true that the number of deaths have been reduced in recent years because of the increase in public information as to how to combat the disease by boiling the water etc., and probably the increase or the improvement in the medical expertise to deal with this. But nevertheless it is still a serious problem.

I bring to mind one young child about two years ago who was stricken with gastroenteritis about 2:00 o'clock in the afternoon, taken to the hospital at 3:00 and by 6:00 o'clock that night the authorities there had not yet succeeded in getting that child on drip. He had become so dehydrated within that short space of time. The child was a mass of cute when doctors were attempting to get the needle to the vein and it was not until about 8:30 or 9:00 o'clock, with the assistance of other doctors, that the child was able to be put on drip and an hour later they could say that the child would survive. So we are burying our heads in the sand to say that the impure water and that gastroenteritis is not a problem in this Island.

The question of pure water will never be solved in this Island, in my opinion, until Government can put in or until the Island is served by a proper central piped supply of water that is properly treated and then disseminated to houses. But I cannot be accused of antiquating things, Mr. President, we are looking a long way down the road before that becomes a reality in this Island. In fact, information before Members at the moment indicates that the study alone will take three years. So it is a problem and if by removing duty from this imported bottle water we can subside the health of the people of this country, I support it fully. And I would just like to say that as I understand it, the water which we are talking about removing the duty from, is water which is approved by the Food and Drug Administration in the United States for consumption there. And I do not believe that they would give it the blessing if it was not wholesome and healthy.

The other point about the increase in the consumption or the increase in the importation of the bottled water, Mr. President, I understood the Honourable mover of the motion to say that it was during March to July this year that 57,412 gallons was imported and that that figure represented an increase of 10% over the whole of 1980. So this cannot be related to any increase in the tourist arrivals. And I think that we should too get our minds straight as to what is the average consumption or for an drinking water is consumed per person per day. This figure of 60 gallons per day per person is total usage including the flushing of water closets. I would think that anyone who attempted to drink more than a gallon of water per day would soon become ill. It certainly is not required for his health.

To get back to the question of this impure water and the gastroenteritis, I recall that as recently as last year there was a warning or a plea by the Director of Medical Services to residents to boil their drinking water to avoid outbreaks of gastroenteritis. It is true that the water from the Cayman Water Company is cheaper, but the truth of the matter is that in most instances they do not produce sufficient water to service even the freeholders even. It is a well known fact that it was a large or serious bone of contention during the last tourist season that water in the hotels was cut off from midnight to 6:30 or 8:00 o'clock in the morning. So they have no surplus water except maybe in times like now when we are having floods and I guess they would be glad to service other areas on a temporary basis.

MR. BENSON O. EAMES (CONTINUING): Now, Mr. President, the question of what is known as the famous chicken and potato motion was raised and I would like to point that the chicken and potato Bill was really not a chicken and potato Bill as such. It was a poultry and potato Bill and that many exotic foods came under the umbrella of that removal of duty. Turkey, pheasants, all those of the gentle fowls, so that did not filter down to the average poor person. And what is worse about that situation is that what maybe the public does not know and what is not generally said is that import duty was removed one day and the freight was increased the next week by the national airline by 19¢ a pound on those items. So that the resultant cost was not that great or a resultant saving was not that great.

As has been said the motion is a simple one. It involves very little money and if by removing this duty from this daily bare necessity we can help people to obtain this water at a more reasonable rate then I think this House should support it. And I certainly, Mr. President, give it my wholehearted support.

MR. PRESIDENT: I wonder whether we should adjourn or suspend proceedings until this afternoon. There are probably several speakers who wish to debate the motion so I do not think we are going to get through it in another fifteen minutes.

If that is a correct assessment I will suspend proceedings until half past two this afternoon.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED. 2:30 P.M.

MR.PRESIDENT: Proceedings are resumed.

HON.G.HAIG BODDEN: Mr.President, the motion before the House is seeking the removal of import duty from imported drinking water on the ground that large quantities are now being consumed and the benefits of the removal of the duty will trickle down to the poor people. However, there is no statistical evidence before the House to back up the wild assumption made in the motion.

If I can examine the motion first before going on to more general comments it will be clear that the motion is sadly lacking in facts.The motion begins by saying it is necessary to import large quantities of drinking water for use by both residents and visitors alike. The Member introducing the motion stated that during last year we imported 46,000 gallons. He continued by saying that the importation this year has risen considerably. But is 65,000 gallons, to use a round figure, is that considered seriously to be a large quantity of water?

We heard from one Member that the average person in a developed country will use 40 gallons per day and one Member went on to say that this is true, provided you are flushing toilets and so on, and this is correct. The world standard for highly developed countries for potable water is actually 20 gallons, per person per day, leaving the other 20 gallons consumed for purposes such as washing the car, watering the lawn, flushing the toilet.

We have a population of 17,000 people including an average number of visitors here each day, so that the people consuming water could well be at a very minimum 17,000, and if each person used 20 gallons of potable water that would be a total of 340,000 gallons.

So the quantity imported would not even be 1 week's supply of potable drinking water and what of the other 51 weeks in the year? So that while 65,000 gallons may seem like plenty water, when it is distributed over 17,000 people in a year we find that each person is using only 3.something gallons per year. The point is that the statistics introduced by the mover of the motion defeats his motion from the outset, because he has established that the water imported is really insignificant.

The second paragraph of the motion says many of the poor people who do not have proper storage facilities purchase this imported water all year round, and I cannot see how these people can purchase this water all year round and only buy 2 gallons for the whole year.

One supermarket in a check that I made for this report to make. Most sales are to tourists. The second largest group of people are expatriates living here and a small portion of sales are made to high income Caymanians and no sale at all to poor people. I do not doubt that a few local people purchase imported water because there are some people who can well afford the luxury and the ease and the certainty of having packaged water, same as they have packaged cake-mix or packaged bread.

The Member in moving the motion said that there were people buying this water who, perhaps, would have to make a choice between buying the water and buying other solid foodstuffs that they would need. I can hardly see a person being poor and having

HON. D. HAIG BODDEN (CONTINUING): to make a choice between buying food and buying water which he could obtain without buying, using the money to buy water and going without the food. This does not make sense and I do not think any poor person is doing this, because if the poor person did not have a cistern, did not have even his own well, I do not think the Island has gotten to such a state where this person would not obtain water from a well or from a neighbour and boil that water for 20 minutes which would probably take out most of the impurities, and certainly would kill all the bacteria in it.

The motion goes on to say that it will reduce the possibility of outbreak of water-borne diseases. This has been pretty well dealt with and I agree that a sure way to reduce water-borne diseases is to guarantee an adequate supply of pure, drinking water.

Emphasis has been placed in the motion and in the debate on a certain disease, or group of diseases which afflict one with a malady known as gastro-enteritis and this is, perhaps, so because as we heard from the Member responsible for Health, there have actually been two deaths, may be more, attributed to this disease over the last 10 years, none of them in the recent two or three years.

I believe that the stale milk that is often sold in some supermarkets is a far greater source of bacteria which can be introduced into the human body than the average water supply in the Island.

The motion goes on - in order to justify the removal of the duty on water, says that the duty has been removed from some luxury items. Well, it is a fact that on some luxury items no duty is paid, but here again, this is not a recent happening. Members are well aware it was in the early nineties in order to stimulate the tourist trade which was then in its infancy, that the duty was removed from perfumery, crystal, watches and items which are mostly purchased by the tourist industry, and the removal of this duty back 20 years ago did a lot to stimulate the tourist industry which was struggling in its infancy. The very fact that a merchant advertises his wares as being duty-free is an incentive for the tourist to at least look and perhaps purchase. Whether a profit is built in equivalent to the duty which would have been charged, does not really matter there is a fascination for travellers about the word "duty-free", and they would pay $10 for an item as a duty-free store that they could purchase in a supermarket for $6.

The motion also tries to bring to the rescue the fact that the duty has been removed from other selected food-stuffs. Here the policy of the Government has been over 5 years to remove at each budget session, if possible, the duty from basic food-stuffs. If this motion were seeking to remove the duty from a basic item that is consumed by all, including the poor people, I would support it, but the facts revealed in the Chamber show that only a small percentage of the poor people, and I do not think any percentage of the really poor people are purchasing imported water.

Why is this emphasis throughout this motion on the poor or poorer people? They are going to work their way to death in that motion, because it starts from up a-top and it appears again in the last paragraph of the resolve section. "BE IT RESOLVED that: in an effort to reduce the cost particularly to poorer people of these Islands, consideration be given to have the removal of duty from drinking water"....

I agree with the Second Elected Member of Executive Council that if Government really wants to help the poorer people they must do a thorough job and one way to have started would have been to support the Housing Bill, which will benefit those people who have

HON.G.RALPH BROWN (MONTWORTH): no homes, no supply of drinking water and lack the basic amenities. It is amazing that the four Members who spoke so far in support of the removal of import duty have gone to extreme lengths to stop the passage and the implementation of the Housing Law. I do not want to reiterate any of that because it is all history, but that was a golden opportunity to give some help, real help, to the poor people and they missed out on that.

Now, one may ask, is this motion merely a sequel to the Housing Bill? Is it,as one Member said, although he had a different meaning, straining at a gnat and swallowing a camel? When there was an opportunity to provide real benefits, that opportunity walked past them and they did not know it was going past and now, having strained at a gnat, they swallow a camel.

If there were no other source of pure water I could have some sympathy for this motion but there is, as the Second Member from Executive Council revealed to us, there is an abundance and inexhaustible supply coming down from the heavens above, raining upon the just and the unjust as well. In addition to that, there is the water company who is supplying water and , as one Member pointed out to the House, that company is a whole-saler of water and that water is sold at . 15¢ a gallon. Now what an opportunity for a business-man to buy that water at 15¢ a gallon and distribute it as a retailer, either from a filter-glass container in his supermarket or by a truck to door delivery at $1.00 per gallon. There is an immense profit, an even 75¢ per gallon.

It is my understanding that there is one such enterprising business-man who is delivering in Georgetown 5 gallon bottles of water for $1.00, these are figures that have come to me and I cannot verify how correct they are, but it is a fact that the water is delivered at a price below the price of water in the super-markets.

I just happened to look at the can on a bottle of water that had been bought and the price was $1.07.

One Member seemed to feel that because this House had removed the chicken and potato bill last year that we should now endorse the removal of duties on this special type of water. He said that in that chicken and potato bill we had removed the duty from exotic items of food like turkey and cornish hens and so on. Well, it is true that the Customs law does not say chicken, it says poultry and if a bird, if he is so fortunate enough to be of the status of a turkey, would get the benefit of anything that went under the umbrella of poultry. But that was like milk, so far as I am concerned, because the bulk of the importation of poultry is chicken and chicken today is the cheapest meat on the market and is probably the one meat that is found on every table in Guyana at least once per week, so because of the fact that the turkey and the ducks happen to be associated with the family chicken does not mean that we can equate water which is imported almost solely for the consumption of tourists and people are not accustomed to our water, there is no equation between the two, and in fact the two Ministers who have most to do with the distribution of water by way of super-markets, made it clear that they are in no position to guarantee a constant supply. One Member said that they were currently out of it; they made me believe that the supply is often not there, so if one becomes addicted to this imported water, and had to depend on the erratic supply which we heard about this morning, I believe that one would go on a hunger water strike.

One Member mentioned that things were so bad, or words to this effect,that the radio had carried a message inviting people to boil their drinking water. This is a normal procedure;every year the Public Health Department puts out a notice

HON.G. SALE BODDEN (CONTINUING): reminding people of the danger of drinking polluted water and that a safe cure would be to boil the water for 20 minutes.

If one takes a look at the census figures which were published last year one will see that there is an appalling need, not for a few bottles of crystal water from a spring, but there is a need for an adequate water supply. The census shows that 2.7% of the houses have no water at all. In fact, I believe the number of houses with no water facility is 120 with no water at all. Another 16.6% have no flush toilets and probably no water to flush them with if they had the facilities; 15.3% have no bath or shower (and we can only assume no water to bathe or shower with if they did have the bath or shower); 30% without sink and probably with no kitchen to wash and no water to wash them in, and these are appalling figures. This is what Government intends to help with the Housing Bill which was opposed by the 5 supporters of the Motion before the House. So how can we look at these statistics when there is a crying need for not just a little drop of water to drink on your birthday or Christmas, because if everybody is buying it that is the only time of the year they could drink it, not just a little drop here or a little drop there, but a continuous adequate supply.

The Second Member of Executive Council has thrown out some suggestions as matters that could be done in order to help the poor people who have been reported, because this motion, although the words "poor" and "poorer" appeared several times in it, will not benefit the poor; this will benefit the people who buy the water, and who use it, and, as he has said, it is normally people from abroad because whenever you go as a traveller to a strange land you are very hesitant to drink the water.

In Mexico you cannot get a tourist to drink a single drop of mexican water from the natural sources, unless that water comes in a can or in a sealed bottle.

This motion will not benefit people in an economic strata that need the benefit of 10% off the duty so they can buy water, because those people would have difficulty in buying food. There are many of these people in the Island and the poor and the real poor. I wonder if the Member checked before he brought this motion on the Government's welfare list or welfare roll. If he had done so, he would have found that not a single one of these families buy this water and these are people that are considered to be at the very bottom of the

Government, at the present time is looking at the whole question of water and sewerage and it is hoped that long before the end of this administration, that a positive step will have been taken to have these services put in play or started. This is not new; Government over a number of years has started a water study but I believe we are coming up to the point where they can see some action, because in previous years the Government had so many other priorities to fill that they found it impossible to carry out these large capital projects. The Government is financially in the best position it has ever been and I understand that this year will be even better, so far as the Treasury is concerned than the record-breaking 1989. So Government is getting to where it is now able to pay the price of establishing these systems, however, this is not something that will help today.

I will not support this motion because I am not convinced that the benefits will go to the really poor people, as the motion says the benefit will go to people who can afford to buy drinking water rather than boiled water from the cistern or the well, and if we had a crisis where water had to be imported in large quantities, probably by tanker, it would then be time to look at the duty, but when a few people, a very small minority, want this specialised service, they should pay for it and I believe they are prepared to pay for it now there is no reason why the duty should be interfered with.

HON.G.HAIG BODDEN (CONTINUING): If it were an item consumed by everybody I would say that Government should examine it, but it is going to a very small group of people, people economically able to pay the 10¢ or the 1¢ whatever it may be import duty. I do not know the first cost of the water so I am unable to say what the duty will be, but it is, I imagine, not more than 10¢ per gallon, and if this 10¢, if this benefit would trickle down to those at the bottom of the economic ladder, I will support it, but in my opinion it cannot reach them because they do not have the ability to purchase imported water.

CAPT.MYRON KIRKCONNELL: Mr.President, I support this motion. I have carefully listened to the arguments both pro and con here today. Some have said that the imports are very small in volume, I agree; also the loss of revenue to Government will be very small, but for the person who has a limited amount of money it will increase his purchasing power and a commodity such as purified drinking water is most essential.

I feel we, all Members of this House, should be very grateful and thankful to our Maker that we are in a better position than some that do reside on the Cayman Islands and therefore it is our duty to try and relieve them where we can.

Mention has been made of the Housing Bill on both sides of the House and I would like to say that the question that was in my mind with the Housing Bill in May remains today - where is the money coming from? The money for this method it would be actually leaving money in the hands of the consumer, not asking Government to take money out of our Treasury, therefore, I feel we should endeavour to act on this motion today.

Speakers have said it is used by tourists, if this is correct and I am sure it is, we should endeavour to help improve our tourist industry, which is very important to us, therefore that also will be beneficial.

I can see no reason why less than $5,000 or $6,000 if it can help relieve the sufferings of the poorer people help the tourist coming into the Islands, help those of us who may be can afford to pay more, why this should be such a question. Therefore, Mr.President, I ask all Honourable Members of this House to approve this motion and let us not stop with this but go on to provide the catchments and the water supply on Cayman to poundals in order that our people can all live a more healthy life. Thank you.

MR.J.CRISTIAN SMITH: Mr.President, much has been said here today on this motion before this Honourable House. I have listened very carefully to the debates, pros and cons on this motion. This motion before this Honourable House today asks for the removal of import duty on drinking water imported into these Islands.

Mr.President, the famous Potato and Chicken Motion which was introduced to this Honourable House by myself and passed by this Honourable House has been thrashed around quite a bit during this debate today, but Mr.President I cannot see any similarity whatsoever in these two motions.

Mr.President, the Chicken Motion had no alternative but to buy at the going price than or go without it, but the motion before this House today has many alternatives as has been pointed out here by previous speakers.

Mr.President, the time I spent in this Honourable House I have always fought for the things that would benefit the people of these Islands, but I am not convinced, Sir, that by removing the import duty on drinking water will help the poor people of these Islands but will only enrich the pockets of those who can afford to pay for this kind of water...

MR. J. CARRUTHERS SMITH: Mr. President, just recently I was invited to a dinner and I had to take umbrage with a drink of imported water in this person's garage. There must have been around 25 to 30 cases. And, Mr. President, I think these are the kind of people that would benefit most from this motion and I am saying if they can drink this kind of water, they must be prepared to pay for it.

I thank you, Sir.

MR. CHARLOTTE KNAUER: Mr. President, I have heard so much about the water situation today that I am kind of wondering if I should go home and drink rainwater. I have never heard so much about contamination and disease and sickness, and that an outbreak would happen and this would come by and the next thing would happen.

I am 100% for health because if someone does not have health, they do not have anything in this world. But I just honestly do not understand the clamouring of this motion for health reasons that have been thrown across the floor.

My belief, Sir, in anyone's health, whatever they eat and drink is the predetermination of their body to these things. Two people can go into a restaurant and order the same breakfast meal and probably sometime in the night you have to take one of them to the hospital and the doctor tells them they have food poisoning - the other one does not have any effect. I certainly do thank God for the abundance of health that has been bestowed upon me. But I think I have drank as much filthy, unclean water you will find in anybody in this country today. I have drank it at times when we have had rainy like today and last night and yesterday the cow mills overflowed in the ponds. Cows are floundering at one gate, cows are drinking on the other, the cow with its floating around in it and the hundreds of people in this Island have drank that kind of water for many, many years and you have never heard that anybody died from all this disease that they are talking about here today.

I am not saying, Mr. President, that we should not use caution and measure where and when it is needed, but if the danger looks on the horizon from spraying as has been stressed as well, then Government is going to face a problem because all cisterns will be closed and undoubtedly Government will have to find ways and means of providing water - not just for the few poor, but for the 17,000 people daily. We have a choice now, Mr. President, to whether we want to go back to the mosquito days by stopping the spraying to save water from the rainfall or close the cisterns and find ways and means of providing water.

Mr. President, we are living in a day and age when fashion is the trend of life. My friend got a $10,000 car - I must have one as well. The machine alone needs four T.V.'s - the poor slave must have a T.V. too and they are going to have one and pay $30 to $40 a week for the lease if I understand right. Yes, this motion is requesting that Government exempt duties from a gallon of water so that the poor might be able to buy it. Yet the poor have T.V.'s and pay $30 to $40 a week for lease.

You will find some of the same poor around the clubs buying their whiskey the same as anybody else. What I would like to see in the future, Mr. President, any Member who brings a motion to this House asking for exemption of duties of any commodity, please bring the second motion saying where we will increase tax on some commodity because the country, the people are demanding that this be done - we need this, we need more, we need this, we need better, well, when we get these things it means money, it means taxation. So if we are going to exempt duties from certain commodities, let us find ways and means of imposing taxes on other commodities to replace the exemption of duties.

MR. CHADDOCK EDWARD (CONTINUING): Now, importation is something big. Remember here in emergencies a number of years ago, a merchant did not have any imported beans but he had a lot of beans that he had grown and he told customers when they asked for beans what he had and they said, "No we don't want them". He finally decided he would put them in an imported sack that had Tampa, Florida marked on it and by the next day they were finished because they were imported in their thinking. That is all the matter - it is a gallon of water that has been imported and if somebody else can buy it or I can buy it, somebody else says they can buy it too or they want it too. So if we are going to have a freeuse let us have a freeuse out of it. Let us exempt duties from anything and sell it square since it is a tax-free country and see whom we get off from that.

Thank you, Mr. President, but I do not support the motion.

MR. PRESIDENT: I will suspend proceedings for fifteen minutes.

AT 3:25 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:45 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Does any other Member wish to speak to the motion? Does the Honourable Member wish to reply?

MR. V. NORMAN BODDEN: Mr. President, first I would like to thank those Honourable Members who supported the motion in such a sincere and capable manner. To be honest I had no idea that this motion would have taken up so much time in this Honourable House. Nevertheless, I must say that I am impressed with the importance that has been attached to it.

I would like, Sir, to reply in general terms to those Members who have chosen to speak against this motion. Reference has been made to the Housing Bill and who supported it and who did not. I want to make it abundantly clear that I support providing housing for the poor. I said at a public meeting not long ago and I do not want the fact that I opposed certain sections of the Bill when it was being dealt with by this Honourable House misinterpreted or misconstrued intentionally or otherwise.

I will always be a staunch supporter of the less fortunate for no one knows the pinch of the shoe, but he who wears it and I can speak with first-hand knowledge on this. To comment on some of the points that have been made in opposition, how is it possible that one can talk of providing a house in order to get a roof to have a gutter to catch water for storage in a tank or cistern and in the same breath attempt to deny a man saving a few cents on an essential item like drinking water? I would like to repeat drinking water because that is what my motion was dealing with.

With all due respect there is such a thing as crawling before you can walk and walking before you run and priorities must be placed in order. There is absolutely no comparison, none whatsoever, between giving a man a house and helping him to get water if he is reluctant at a moment, protecting his health and helping his pocket. There is no doubt that cistern water also needs to be boiled to be healthy. Everyone who lives here is aware of this especially when the water level is low, so I do not feel that recommending that a man has a cistern is any solution to what has been discussed here today.

MR. W. NORMAN HOOKER (CONTINUING): Regarding the quantities that I have mentioned in my opening remarks, the amounts quoted were 84,900 gallons in 1980 compared to 53,477 gallons for only five months of 1981. This point was, I think, already clarified. Regarding getting to the percentage of the benefits from this between the poor Caymanian, the middle income Caymanian, the wealthy Caymanian and visitors, this requiring information to identify the statistical breakdown of whom the water goes to is not available. I naturally used information from Caymanians in this which in all sincere could do to use this information as a guide. To establish a breakdown percentage wise is just a wild shot taken in the dark.

I agree that contaminated water is only one of the causes of gastroenteritis. I did not say that it was the only cause. I also did not refer to large amounts of sickness or deaths. I said Caymanians have had more than their share in the past and let me say here that one unnecessary death in any family is more than enough. With reference to maintaining duty on items that are considered luxury items are now duty-free, I am fully aware of the attraction that this offers to visitors and that in turn makes a substantial contribution to our tourist industry. I would not comment this and I would consider it totally unnecessary even to mention or deal with in this area.

With regards to Cayman Water Company, I think I spoke fairly in their regard and I would like to amend a bit when I said I recognised the Company's limitations. This is common knowledge that during drought when water is scarce it is not obtainable to others than those customers in the franchised area. They do not deliver in small quantities like one gallon or half gallon which I have mentioned. Also, during mechanical breakdowns, which happens to any company dependent on machinery for production, limitations are naturally set on the quantity that you can buy in any case.

The famous chicken and potato pie. In comparing the two, if my memory serves me right, I think that amount of duty in that instance necessitated something like $25,000 compared to what my motion tries to put across, is $5,000. I believe that what I have tried to accomplish here is reasonable and necessary.

Comment has been made questioning large quantities. The point that I made is that the demand is growing. The need is there and it cannot be denied. I maintain, Mr. President, that if there were only 100 gallons imported, and it could help, it should be considered and very favourably considered at that. With regard to the quantity consumed per person, the motion as I have said before deals with drinking water. I did not include nor refer to water for other purposes. As has been said one person cannot drink more than one gallon approximately a day and even if he drinks a gallon I think there must be a terrible hangover somewhere in the back.

With regards to varying reports from supermarkets, the amount that was made differs from reports that I have. I happen to find the supermarkets located close to areas where poor people live, have different reports and they state, beyond any shadow of a doubt, that the majority of their sales are to the poor people. With regards to people making a choice between food and water, to quote my comments this morning when I said maybe it is all they can afford for that day, I do not know.

In talking of statistics, you know it has been said and it is true that you can blind a man with science and statistics, but this does not satisfy his needs. The sale of duty-free items subtract and is an asset to our tourism. If the tourist do choose to drink imported water, I think we are there again providing a service.

MR. W. NORMAN RODDEN (CONTINUING): Notwithstanding my checking of the waiting list maybe there are many more people who should be on that list that are not and those that I have checked I know that they purchase the water as often as possible. With reference to the water system that Government proposes, I mentioned that this morning in my opening remarks, however it has been brought out and it cannot be denied that this is three years unsatisfactorily and I cannot agree that while the grass is growing the horse is starving.

Mr. President, I acknowledge, Sir, that the timing for introducing this motion could be slightly off. Perhaps I should have waited for the drought to come when the earth is cracked and people are thirsty. However, the dry season will come again. Just as there is not always sunshine there will not always be rain. Once again I thank those Members who supported the motion. I still disagree with those who have chosen not to support. I can only hope, Sir, that it is not merely judged by the side of enlightenment from, that is a back-bencher, but that when it is actually put to the vote, Honourable Members will look their consciences in their minds and do not let this be an example of when politics come into play and the general public in these Islands have to pay.

Thank you, Mr. President.

MR. SPEAKER: The motion is be it resolved that in an effort to reduce the work, particularly to outer people of these Islands, consideration be given as early as possible to have the removal of this from drinking water.

QUESTION PUT: AYES & NOES

MR. SPEAKER: I THINK THE NOES HAVE IT.

MR. W. NORMAN RODDEN: Mr. President, could I have a division on that please.

DIVISION

| AYES | NOES |
|---|---|
| Mr. Benson O. Hanks | Hon. Dennis R. Fenton |
| Mr. W. Norman Rodden | Hon D D Barwick |
| Miss Audrey Ralph Haddon | Hon V C Johnson |
| Capt. Charles T.Kirkconnell | Hon Ingram M.Godden |
| Capt. Mabry B. Kirkconnell | Hon H. Ralf Haddon |
| | Mr. J.Carston Cobb |
| | Mr. Geoffrey Wagner |

Absent from the Chamber: Hon. John H. Malcom
Hon James M. Godden
Mr. D. Delmain Hanks

MR. PRESIDENT: The motion is defeated. There are five ayes in favour and seven votes against.

Proposed vote with Government backbench.

THIRD READING

THE PATENTS AND TRADE MARKS (AMENDMENT) BILL, 1981

CLERK: The Patents and Trade Marks (Amendment) Bill, 1981.

HON. V. C. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled The Patents and Trade Marks (Amendment) Bill, 1981 be given a third reading and passed.

QUESTION PUT: AYES. BILL GIVEN A THIRD AND PASSED.

THE PENAL CODE (AMENDMENT) BILL, 1981

CLERK: The Penal Code (Amendment) Bill, 1981.

HON. D. P. BARWICK: Mr. President, I beg to move that a Bill entitled The Penal Code (Amendment) Bill, 1981 be now read a third time and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1981

CLERK: The Criminal Procedure Code (Amendment) Bill, 1981.

HON. D. P. BARWICK: Mr. President, I beg to move that a Bill intituled The Criminal Procedure Code (Amendment) Bill, 1981 be now read a third time and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MEETING FINANCE COMMITTEE

HON. V. G. JOHNSON: Mr. President, I would like to invite Members to attend a Meeting of Finance Committee immediately following the adjournment hours this evening.

ADJOURNMENT

MOVED BY: HON. DENNIS E. FOSTER

QUESTION PUT: AGREED. AT 4:00 P.M. THE HOUSE ADJOURNED SINE DIE.

FOURTH MEETING OF THE (1961) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON MONDAY, 16TH OCTOBER

1961

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS FUMSELL, CMG, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS H BAXTER, CBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS |
| HON DAVID R DARLOW, CBE, QC | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON JASPER G JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| *HON JOHN B MCLEAN | MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES |
| HON THOMAS M DOBSON | MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES |
| HON JAMES M MORDAN | MEMBER FOR TOURISM CIVIL AVIATION AND LABOUR |
| **HON C NATO MORGAN | MEMBER FOR COMMUNICATIONS & WORKS |

ELECTED MEMBERS

| | |
|---|---|
| *MR GARSTON J SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR E DALMAIN EVANS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR EDISON O EVANS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR H NORMAN BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HULDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT HARRY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR CRADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

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* ABSENT - ATTENDING CPA CONFERENCE
** ABSENT

ORDERS OF THE DAY
FOURTH MEETING OF THE (1981) SESSION OF THE
LEGISLATIVE ASSEMBLY
MONDAY, 12TH OCTOBER, 1981

1. PRAYERS BY THE REV. RALPH PICKERING.

2. REPORTS -

(i) Meeting of the Finance Committee on 28th May, 1981
(ii) Meetings of the Finance Committee on 17th and 25th August, 1981 and 7th September, 1981.

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, HON. V.G. JOHNSON, C.B.E., J.P., CHAIRMAN.

3. QUESTIONS: -

MISS ANNIE HULDAH BODDEN OF GRAND TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.45: Will the Member make a statement concerning the increased payments to certain bus drivers for school children, the amount of the increase and whether similar increases will be given to all bus drivers for transporting school children?

MR. D. DALMAIN EBANKS OF WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.46: Will the Member say if the canteen at the Cayman Islands High School has been completed and if not, will he make a statement?

NO.47: Will the Member state when construction will commence on the Sports Complex?

MISS ANNIE HULDAH BODDEN OF GRAND TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND TRADE

NO.48: Will the Member state the number of persons presently employed by Cayman Airways Limited and the positions held?

NO.49: Will the Member state -

(a) the number of houses purchased by Government between the years 1976 to the 30th September, 1981, giving the following particulars:-
(i) Location
(ii) Amount paid for each unit or house
(iii) By whom occupied
(iv) Amount (if any) collected from the occupier of each unit?

(b) Whether the $400,000 voted in the 1981 Estimates has been spent?

MR. BENSON O. EBANKS OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.50: In June 1981 the Government of the Cayman Islands invited applications for the provision of a television service in the Cayman Islands. Applications, with supporting feasibility studies, were to be submitted to the Chief Secretary's office by the 1st of September, 1981. Subsequently, the local news media carried information to the effect that over 30 applications had been received. As is probably well known I have a pecuniary interest in one of these applications.
Bearing in mind the criteria set forth by the Government in the request for applications, will the Honourable Member give assurance to this Honourable Assembly that in evaluating these applications in respect of technology, cost to the general public and programming that Government will utilize independent and expert advice so as to ensure that the public receives the best possible service.

4. GOVERNMENT BUSINESS -

BILLS:-

(i) The Prisons (Amendment) Bill, 1981 - FIRST & SECOND READINGS
(ii) The Liquor Licensing (Amendment) Bill, 1981 - FIRST & SECOND READINGS
(iii) The Music and Dancing (Control) (Amendment) Bill, 1981 FIRST & SECOND READINGS
(iv) The Companies (Amendment) Bill, 1981 - FIRST & SECOND READINGS
(v) The Tax Collection (Amendment) Bill, 1981 FIRST & SECOND READINGS

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COMMITTEE THEREON

(i) The Prisons (Amendment) Bill, 1981
(ii) The Liquor Licensing (Amendment) Bill, 1981
(iii) The Music and Dancing (Control)(Amendment) Bill, 1981
(iv) The Companies (Amendment) Bill, 1981
(v) The Tax Collection (Amendment) Bill, 1981

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MR. PRESIDENT: The Assembly is in session. I shall ask the Rev. Ralph Pickering to say Prayers.

REV. RALPH PICKERING: 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 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 offices.

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

Our Father, which 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 we our trespasses, as we forgive them that trespass against us. And lead us not into temptation, but delivery 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 to shine upon us and be gracious unto us; the Lord lift up His countenance upon us and give us peace now and always. Amen.

REPORTS OF THE FINANCE COMMITTEE
(i) Meeting held on 26th May, 1981
(ii) Meetings held 27th and 28th August, 1981 and 7th September, 1981.

HON. V. G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House two Reports coming from Finance Committee. One of a meeting held on the 26th of May, 1981 and the other report resulting from meetings held on the 27th and 28th of August and the 7th of September, 1981.

MR. PRESIDENT: Reports of the Finance Committee dated 26th May 1981, 27th and 28th August, 1981 and 7th September, 1981 are ordered to be laid on the table.

HON. V. G. JOHNSON: Mr. President, I should now move for the adoption of these reports in accordance with Standing Orders.

The first report, Mr. President, was a meeting held in Cayman Brac on the 26th of May, 1981. The meeting was to request Finance Committee to approve of 6 items of supplementary expenditure amounting to $507,260. Two of the items which were considered important were -

(1) - authority given to the smaller Islands for construction or for re-construction, I should say, of 7 miles of road on the north coast of Cayman Brac to be paved by hot mix. This was at a cost of $350,000. Although the work would not be completed this year the full sum was provided so that any carry over into 1982 would be available for immediate spending.

(2) $78,200 for the construction of a more substantial landing at Spotts in Grand Cayman. It was found necessary to do so because tourist ships and other vessels go there during bad weather where passengers are landed, and so it was necessary to construct a more substantial landing from large concrete blocks.

Then the need for these funds.

At the same meeting, Mr.President, it was agreed that Government should move on to air condition the Aston Butty Centre, but that before Finance Committee approved the funds to do so a study should be made for costs and other necessary renovation which would make the air conditioning effective. For instance, it was pointed out that the windows might have to be replaced or readjusted in order for the building to contain the effects of air conditioning.

The other meeting of Finance Committee, Mr. President, requested a sum of $2?6,600 which was revised in the final approval to $981,600. $381,600 of these funds related to recurrent expenditure which included 3 items under the various heads, and under Capital Expenditure $292,100 involving 7 items.

At this meeting of the Finance Committee, Mr. President, all Members were present. There were 2 controversial subjects -

one involved the placing of Government Information Service on a contract with Cayman News Bureau and the second item which was less controversial was the purchase of a Police Patrol Boat.

Concerning the News Bureau, Mr.President, a supplementary expenditure of $11,700 was requested under Head 24 Tourism, Item 8 - Public Relations and Publicity. Members questioned this. They went on to call for the proposal and the agreement which led to the arrangement between Government and the News Bureau to take over the Government Information Service.

Mr.President, a Minority Report has been submitted signed by 3 Members of Finance Committee and in that Minority Report all the grounds have been laid for the objection, not of the $11,700, Mr.President, but of the circumstances surrounding the request for that expenditure.

Mr.President, I should mention that one of the important highlights of that meeting was the final vote for that item. It was the second time in my 16 years as Chairman of the Finance Committee that I had to exercise my right to give the casting vote in order to carry a Government Motion. The first of these which was the occasion in 1974 when a proposal was put to Finance Committee for the establishment of a Government Broadcasting Station in the Island. I had, on that occasion, to use my casting vote in order to carry the motion.

Having said that, I believe, Mr.President, the Radio Station, whatever anyone might want to say about it, is quite a prestigious service to the Cayman Islands. The voices coming from the station, although may require a bit of refining, can be heard long distances away from the base.

Besides the happenings in Finance Committee, Mr.President, with the objections to that particular item, 5 Members signed a petition to Government through me, the Chairman, requesting a thorough investigation in the matter; however, they were told that at Budget time the matter would be further dealt with when questions would be answered and the matter re-examined.

HON.V.G.JOHNSON (CONTINUING): The other item that I mentioned awhile ago, Mr.President, was objected to by two Members who thought that the proposal to purchase a police launch was in order. In fact the Legislative Assembly had, for a long time, thought that the Police should have a suitable patrol boat, a boat that would be a sea-going vessel able to patrol the waters of these Islands. What they were concerned about is that this boat was 20 years old and was not suited for the purpose. However, it was pointed out that Government had gone to the extent of appointing someone who was quite reliable to examine the launch and the report was excellent. Further, this Government had been seeking and looking for a launch for the Police for many years. Approach was made to the British Government and to the United States Government and yet we were unable to find what we were looking for, and it was thought that this boat which we bought for $84,000 was a good buy, and it would fill the requirement within the Police Force to carry out security measures in the surrounding territorial waters as was always the wish.

Mr.President, I will move for the adoption of these two reports, one of them is to accept the supplementary expenditure approved on the 28th of May, 1981 in the sum of $507,806; the other report is for the meetings on the 27th and 28th August and 9th of September, 1981 the sum recommended being $787,600.

MR.PRESIDENT: In accordance with Standing Order 87 (4) the House is deemed to have agreed to the provisions and to the adoption of the Report as set out in the Orders of the Day.

## EXTENSION OF QUESTION TIME

MR.PRESIDENT: If Members are agreeable, I would propose to suspend the provisions of Standing Order 23 (8). It is clear that normally one hour is supposed to be allowed for questions, but as it is now 25 past 10, if we do not allow one hour from now for question time, it only means that we will have 35 minutes. So if Members are agreeable I would close question time this morning 25 past 11. Any objection to that?

We will proceed with questions.

## MISS ARNIE HULDAH DONDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.46: Will the Member make a statement concerning the increased payments to certain bus drivers for school children, the amount of the increase and whether similar increases will be given to all bus drivers for transporting school children?

ANSWER: Tenders for the transportation of children to the Cayman Islands Middle and High School were opened at a Public Tenders Committee meeting held on 22nd July, 1981 where all members were present. The Committee recommended the following awards:

| | |
|---|---|
| WEST BAY | Mr.J.Carston Smith - Only tender |
| CAYMAN BRAC | Mr. Silbourne Ebanks - Only Tender |
| NORTH SIDE | Mr.Orman Whittaker - Only Tender |
| EAST END | Mr.Orman Whittaker - Two Tenders |
| BREAKERS, BODDEN TOWN AND CAYAMAH | Mr.Orman Whittaker |
| | Mr.Ronnie Burton - Two Tenders |

The Committee was not satisfied that the second tender for East End had the seating capacity to transport one hundred and forty two (142) children.
Payments have been made at the old rate until a thorough examination of all costs has been done.

HON. MEMBERS:

MISS ANNIE HILDAH BODDEN: Mr. President, with your permission, I should like to ask a supplementary question and it is this. At what time can we expect to hear any report from this thorough examination of all costs.

HON. TRUMAN BODDEN: As soon as that examination is completed, Sir.

MISS ANNIE HILDAH BODDEN: Another supplementary, Sir, how soon do you expect that to be, Sir, this year, next year or the year after?

HON. TRUMAN BODDEN: Probably this year, Sir.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Will the Member care to say who was the other tender for East End?

HON. TRUMAN BODDEN: Messrs. George and Ernest Powell.

MR. CRADDOCK EBANKS: Mr. President, another supplementary. We are dealing with tenders as the duration of the Committee's mind - but I wonder if the Member can say what might have been the reason why those other applicants were not considered as one of the tenders?

HON. TRUMAN BODDEN: Mr. President, the Tenders Committee is made up of independent persons of which I am not a Member and I really cannot answer that, I really do not know, Sir.

MR. CRADDOCK EBANKS: Mr. President, I really do not have any interest in the bus business at this time, if I had, I would not be asking any questions, but undoubtedly there should be a report and reasons why somebody was not accepted.

HON. TRUMAN BODDEN: Mr. President, I have a report and if I may read the only reasons given in relation to it, then I will do so. It says "It was noted that it was mentioned in the application submitted by the Powells that the capacity of their bus was a 44-seater but no indication was given as to how it was proposed to transport 142 children from West End". Basically that was the only reason given throughout.

MR. CRADDOCK EBANKS: Mr. President, the only reason why I am in this House, I stand for justice ....

MISS ANNIE HILDAH H. BODDEN: Right.

MR. CRADDOCK EBANKS: The same as one applicant could make provisions to provide the proper capacity for transportation, why this other applicant would not have been able to do the same thing?

MISS ANNIE HILDAH BODDEN: Mr. President, with your permission I should like to ask a further supplementary question, and it is this. When these

MISS ANNIE HUDDAH BODDEN (CONTINUING): tenders and all the rest of it were being considered, were the Chief Education Officer and the Member responsible ever made to know the facts or were happening?

HON. TRUMAN BODDEN: Mr. President, I would like to.

MR. CRADDOCK BEARNS: Mr. President, I did not get an answer to the question that I asked.

HON. TRUMAN BODDEN: Perhaps when I have finished answering the Lady Member's question, if the Member for North Side could repeat that I would endeavour to answer, as far as I can.

The Tenders Committee is an independent body of which I am not a Member, nor is the Chief Education Officer a Member. Tenders come into that, Sir, in a sealed envelope, opened in the presence of the Tenders Committee and they make an award. I would like to make it clear to this Legislature and the public that I have no way, whatsoever, of having any say in what goes on within the Tenders Committee. The whole idea of the Tenders Committee is that it is an independent body that makes the decision and I get the recommendation. That, as I understand it, is a fairly orthodox body within, at least, the democratic capitalist countries and especially the Crown Colonies of Her Majesty's Government and I have no input either, or any other type of 'put' in relation to it and I am not a Member, therefore I cannot answer what is in the minds of the Tenders Committee when they make their awards.

MR. CRADDOCK BEARNS: Mr. President, I think the Member asked me to repeat my question. The question I asked, if one applicant had sufficient time to provide the proper transportation for the amount of children, why could not the other applicant have the same time to provide, if the Board felt that he was the proper person to do the transportation.

HON. TRUMAN BODDEN: Mr. President, I am bound by the report and there is no reason in there and I really do not know the reasoning. I see the logicality or the logic of the honourable Member's question but I cannot answer because it is something that is only in the minds of the Tenders Committee and I do not know, Sir.

MISS ANNIE HUDDAH BODDEN: Mr. President, with your permission, I would like to ask a further supplementary question. If I am out of order please tell me so, Sir, and it is this. What Member of Government gave the assurance that one of these people who were tendering could take it to the bank to secure money to borrow to get extra buses?

HON. TRUMAN BODDEN: Mr. President, in accordance with the recommendations of the Tenders Committee and in an effort to ensure that children were transported, my portfolio wrote to the Bank, or a Bank here stating that there was a probability that there would be an award and further stating that if they could assist with the financing of buses to get them within the Island in time to begin the school year, then they should endeavour to assist in that respect. It was my Portfolio who gave this.

MR. CRADDOCK BEARNS: Mr. President, I did not intend asking any more questions, but I will ask one other one, Sir; when the Powell that made application should they not have had the same opportunity of going to the bank to secure money or provide the transportation in order that was on the other applicant?

HON.THOMAS BODDEN: Mr.President, I assume this question is in relation to the letter to the bank and not to Powell, is that correct, or is it relating to Powell now, Sir?

MR.CHADDOCK EBANKS: I said if one applicant had time to go to the bank to borrow money why not Powell as an applicant would have the same time.

HON.THOMAS BODDEN: I would assume that the Member is quite right - Powell would have had the same time as would the other applicant. Why he did not do so I am really not certain, Sir.

MR.PRESIDENT: We could perhaps move on to the next question.

MR.D.DALMAIN EBANKS OF WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO.46: Will the Member say if the canteen at the Cayman Islands High School has been completed and if not, will he make a statement?

ANSWER: The canteen at the High School will be completed on or about the middle of November, 1981. The building is about 60-70% complete.

SUPPLEMENTARIES:

MISS AGNES MYRAH BODDEN: Mr.President,with your permission I would like to ask the Member a supplementary question, and it is this. Has any concession been given as yet for who shall operate this canteen and if it also was the hon.Member who had the concession already given?

HON.TRUMAN BODDEN: No concession has been given, Mr. President.

MR.CHADDOCK EBANKS: Mr.President, a supplementary. Will the Member say at this time if this would be put out for tenders for concession to operate the canteen or would it be operated by a staff under Government supervision or appointed by Government.

HON.TRUMAN BODDEN: Mr.President, we propose to put this out for public tender when it will go back to the Tuckaway Committee.

MR. D. DALMAIN EBANKS OF WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.47: Will the Member state when construction will commence on the Sports Complex?

ANSWER: The Sport and Cultural Committee meets on a weekly basis to develop a comprehensive programme for the complex. Ten acres of land has been purchased for the purpose of this complex and the design is under consideration. It would appear at this time that construction on this complex can begin during 1982.

SUPPLEMENTARIES:

MISS ANNIE HULDAH BODDEN: Mr. President, with your permission I would like to ask the question if I could be informed where will this sporting complex located?

HON. TRUMAN BODDEN: Mr. President, an in principle decision has been made to locate it to the east and to the rear of the Cayman Islands Middle School and High School.

MR. D. JAMES IN MARKS: Mr. President, a supplementary. Could the Member say whether construction will be done in phases or not?

HON. TRUMAN BODDEN: Mr. President, it probably will be unless this Honourable House would be prepared to appropriate all the money at one time; failing that, it will probably be first the out-door sports, then secondly indoor sports.

MISS ANNIE HULDAH BODDEN: Mr. President, I wish I had two good, strong legs. I would like to ask, Sir, if I could be informed the number of people and who are on this Sports and Cultural Committee, are they Members of the general public, Ministers or what kind of people are they, please?

HON. TRUMAN BODDEN: Mr. President, as I mentioned in the question which was asked me at the last session, the Sports and Cultural Committee originally consisted of 32 persons, which included the Sports organisations, representatives of sports, cultural, religious and service clubs. The present committee consists of Mr. Ernest Foster as Chairman and Mr. Brian Cazalí as Deputy. It has a member from the Drama world; it has members from sports, members from the schools, previous members and some of those are from the service clubs as well.

MISS ANNIE HULDAH BODDEN: Mr. President, I would like to ask if any Legislators have ever been on this Committee? Not that I want to be there, Sir.

HON. TRUMAN BODDEN: Yes, Sir. Originally I had to make a decision on who appeared to have been athletic minded and Mr. Balmain Ebanks appeared to be the most athletic in the Legislature and he did go on the Committee. Since that time there have been no other Legislative Members on it and it is comprised mainly of independent persons, Sir.

MR. PRESIDENT: If there are no further supplementaries we can move on to the Lady Member's question.

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND TRADE

NO. 48: Will the Member state the number of persons presently employed by Cayman Airways Limited and the positions held?

ANSWER: The total number of persons employed by Cayman Airways Limited is one hundred and eighty three in positions as follows:-

| | |
|---|---|
| Chief Pilot and Air Crew ( BAC 1-11) | 17 |
| Air Crew DC 6 | 3 |
| Flying Operations | 4 |
| Total Flight Operation | 24 |

| | | |
|---|---|---|
| Maintenance Director (Ref: I-11) | 1 | |
| Maintenance Mechanics - MIA | 3 | |
| Maintenance Mechanics - GCM | 7 | |
| Total Maintenance/Engineering | | 11 |
| Flight attendants | | 84 |
| Manager - Operations (Systemwide) | 1 | |
| Miami Airport Staff | 12 | |
| Cargo Department - MIA | 5 | |
| Station Department - GCM | 23 | |
| Cargo Department - GCM | 4 | |
| Houston Airport Staff | 1 | |
| Cayman Brac & Little Cayman | 8 | |
| Total Station Services | | 54 |
| Commercial Planning - MIA | 1 | |
| Reservations - MIA | 10 | |
| Sales & Service - MIA | 2 | |
| Reservations - GCM | 9 | |
| Ticket Office - GCM | 6 | |
| Sales & Marketing - MIA | 3 | |
| Regional Sales - MIA | 2 | |
| Regional Sales - HOU | 4 | |
| Regional Sales - LAX | 1 | |
| Regional Sales - NYC | 2 | |
| Regional Sales - CHI | 2 | |
| Total Sales & Service | | 40 |
| Managing Director | 1 | |
| Secretary to Managing Director | 1 | |
| Finance Department | 12 | |
| Personnel | 4 | |
| Total General & Administration | | 24 |
| Total Employees - Cayman Airways, Ltd. | | 193 |

I think the other one really was the Los Angeles one and I may point out that in the regional sales the persons listed which is it would only be drawing a very small stipend from Cayman Airways or cannot be considered as full-time employees.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to ask the Member if this figure for the Flight Attendants, does this include a new figure - there has been a recent recruitment, does this figure include them.

HON. JAMES M. BODDEN: Mr. President, I do not know what the figures look like but as far as I am concerned I think that includes all the figures.

MR. BENSON O. EBANKS: Mr. President, supplementary. In the case of the cargo Department in Miami are there contracted persons, other than the 5 that are what I would consider permanently on the staff?

HON.JAMES M.BODDEN: Mr.President, I was asked to list the employees of Cayman Airways and that is what I have done. In Miami in the cargo area like in Kingston and other areas we have certain contracts with other people in order to supply service that the airline requires and it is difficult for me to tell you how many people those firms may have employed.

MR.PRESIDENT: If there are no further supplementaries, we can take the lady Member's third question.

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE WHEN ELECTED MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND TRADE

NO.33: Will the Member state -

(a) The number of houses purchased by Government between the years 1978 to the 30th September, 1981, giving the following particulars:
   (i) Location
   (ii) Amount paid for each unit or house
   (iii) By whom occupied
   (iv) Amount (if any) collected from the occupier of each unit?
(b) Whether the $900,000 voted in the 1981 estimates has been spent?

HON.D.H.FOSTER: Mr.President, we thought that this question should have been answered by the First Elected Member of Executive Council, who is not here, Sir, so I have undertaken to answer it for him.

ANSWER: (a) The number of houses and apartments purchased by Government between the years 1978 and 30th September, 1981 is fifteen and are as follows:-
   (i) and (ii) One house off Walkers Road at a cost of $85,000.00
   Three apartments at Foster's Village, Walkers Road at a cost of $212,562.00
   One house off Walkers Road at a cost of $70,000.00
   Four apartments off Walkers Road at a cost of $800,000.00
   One house at North Cayman Palms Drive, at a cost of $78,000.00
   Five apartments on North Church Street at a cost of $375,000.00
   (iii) The units are occupied by persons employed on contract terms with Government, who qualify for housing.
   (iv) Rent is collected in accordance with a scale of charges set by the Personnel and Management Services Division. The scale of charges is currently under review.
(b) The amount of $600,000.00 provided in the 1981 Estimates has been spent.

SUPPLEMENTARIES:

MISS ANNIE HULDAH BODDEN: Mr.President, with your permission, I should like to ask the Honourable Member if there has been a purchase of a house and a parcel of land known as Sandy Ground in the Savannah area?

HON.D.H.FOSTER: Mr.President, the nearest thing to that could be the one house at North Cayman Palms, Drive at a cost of $78,000. I am not sure whether that is the one that the lady Member is referring to or not, but that is the only house purchased in that way, Sir.

MISS ANNIE HULLAH MODEN: Mr.President, if I may be allowed to make a statement. It is the house formerly owned by the late Telford Eden I am referring to.

HON.D.H.FOSTER: No, Sir, we have purchased no house from this person.

Mr.CRADDOCK EVANS: Mr.President, a supplementary. Would the Member be able to say if he has any knowledge as to how old some of these houses may be.

HON.D.H.FOSTER: Not all of them, Sir, but before any purchases are made we put our Public Works Department to go through them and give us a report on them and advise us whether the deal is a good deal or not, Sir.

CAPT.CHARLES L.KIRKCONNELL: Mr.President, supplementary. Would the Member state how the $300,000 provided in the 1981 estimates has been spent?

HON.D.H.FOSTER: Mr.President, that I think has gone towards the purchase of some of these that were done this year and if I am not mistaken there was even a supplementary asked for recently. I am not a Member of the Finance Committee, but I think looking over the Minutes that are produced here, I think they approved $100,000 more or to that which took care of the purchases for this year, so far as my memory serves me.

MR.CRADDOCK EVANS: Mr.President, I would if the Member could say how many bedrooms are in the house on Walker's road for $2n,000,000

HON.D.H.FOSTER: Yes, Sir, I think it has 2 bed-rooms and 2 bathrooms. I am sure of it, as a matter of fact.

MR.CRADDOCK EVANS: Would the Member be able to say where these apartments are on North Church Street?

HON.D.H.FOSTER: Yes, Sir, these are close by the Government Office for Agriculture, on the Lobster Pot area.

CAPT.CHARLES L.KIRKCONNELL: Mr.President, I make the total expenditure for houses as $1,681,000; the $600,000 plus the $719,000 brings it to $1319,000 which we recently voted. Would the Member please state the other $600,000, was this in the Estimates or is this coming up now to be voted?

HON.D.H.FOSTER: Mr.President, I really cannot say. You see the Member who is may be in charge of the purchases and I really do not know.

MR.SPEAKER: If there are no further supplementaries we move on to the question from the Honourable Member from West Bay.

MR.BENSON O. EBANKS OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.50: In June 1981 the Government of the Cayman Islands invited applications for the provision of a television service in the Cayman Islands. Applications, with supporting feasibility studies, were to be submitted to the Chief Secretary's Office by the 1st of September,1981. Subsequently, the Local

press made carried information to the effect that over 20 applications had been received. As is probably well known I have a pecuniary interest in one of these applications.
Bearing in mind the criteria set forth by the Government in its request for applications, will the Honourable Member give assurance to this Honourable House that in evaluating these applications in respect of technology, cost to the general public and programming that Government will utilise independent and expert advice so as to ensure that the public receives the best possible service.

HON.W.H.: The applications are all being examined and analysed at present by a consultant engaged by the Government for the purpose in accordance with guidelines developed by an independent expert, Mr. H.D.Greenhead, OBE, formerly with Thames Television in the U.K. who came to the Cayman Islands under the auspices of British Consultancy Service Overseas in 1974.

SUPPLEMENTARIES:

MR.BENSON O.EBANKS: A supplementary, Mr.President. The consultant that is now engaged does this person have technical knowledge in the television field?

HON.D.H.FOSTER: Mr.President, I would say, no, but the technical knowledge is in the application, the technical part of it is in the applications and he is only analysing the applications at this stage.

MISS ANNIE EULDAH BODDEN: Mr.President, with your permission I would like to ask the Honourable Member a supplementary question and it is this. These applications, are they out of this jurisdiction or local applicants and the number from each place, if I may be so informed?

HON.D.H.FOSTER: Mr.President, most of the applications have some local interest in them or intent that a portion of the stock be put out on the local market. I do not think there is any application that is solely and wholly local. This is what the specialist is doing - sorting them to see the most benefits and so on and so forth, exactly what type of service they offer, to which Islands,etc.etc. so that they can be looked at thoroughly.

MR. BENSON O.EBANKS: A supplementary, Mr.President. Did I understand the Member correct in saying that the consultant presently employed has no technical expertise in television services?

HON.D.H.FOSTER: As far as I know he does not, Sir.

MR.BENSON O.EBANKS: A supplementary, Mr.President. Will how could Government then feel satisfied that it is being properly advised on the technical aspects of the application?

HON.D.H.FOSTER: He is not advising us technically on the technical side of it, Sir. He is breaking down the 22 applications and I have do not have the time. Some of those things run as thick as that and I cannot break those down. He is breaking them down on a care of cost-analysis-benefit-basis. I am not saying he is going to advise us which one to accept, Sir.

MR.ERNEST G.EDWARDS: Mr.President, the question is will Government or will we have the assurance that an issue from a technical person will be put into the study of these applications?

HON.D.H.FOSTER: Mr.President, I am giving no assurance, Sir, except as the Member has stated here he is interested in one of the applications , I give him the assurance, Sir, that his application will be properly looked at.

MR.BERNARD G.SHARPE: Mr.President, the fact that I have an interest in one is not the question at issue. The question is that the Islands get the best possible service, whether it is mine or somebody else's, or the one I am interested in or somebody else's, and the question was whether Government will utilize independent and expert advice so as to ensure that the public receives the best possible service.

HON.D.H.FOSTER: Mr.President, I am sure, Sir, that if it is seen necessary for us to bring in anybody else to have a proper look at them, we will certainly do so, because we believe in doing things the best way.

MR.CHADDOCK EDWARDS: Mr.President, a supplementary. Could the Member say what country or countries are the applications from?

HON.D.H. FOSTER: Mostly Canada and America, Sir. As I said before with local interest mixed in them.

MR. ERNEST G.EDWARDS: A supplementary, Mr.President. Will the Member state whether Government is satisfied that it has sufficient technical expertise at its service, or at its disposal to make the decision for the best possible service for the Islands.

HON.D.H.FOSTER: If we have not got it, Sir, we will get it.

MR.PRESIDENT: If there are no further supplementaries we can take Question Time to be closed and move on to Government Business.

THE PRISONS (AMENDMENT) ( NO.2) BILL, 1981
FIRST READING

CLERK: The Prisons (Amendment) (No.2) Bill, 1981

MR.PRESIDENT: A bill intituled the Prisons (Amendment) (No.2) Bill, 1981 is deemed to have been read the first time and is set down for Second Reading.

SECOND READING

CLERK: The Prisons (Amendment) (No.2) Bill, 1981

HON.D.H.FOSTER: Mr.President, I move the Second Reading of a Bill entitled The Prisons (Amendment) ( No.2) Bill, 1981.

Mr.President, this Bill seeks to make provisions for the bringing into force of the law on completion of phase 2 of the Prison at Northward. The important thing about this bill is that it will only come into force by an order of the Governor in Council and different sections of it can be brought in in different stages.

All the clauses, excepting clause 10, either repeal or make appropriate amendments mainly in connection with prisoners in Jamaica . Clause 10 seeks to give power to the Governor in Council to order the return of any prisoners from Jamaica to enable them to serve the remainder of their sentence here.

HON.D.J.FOSTER (CONTINUED): This has to be phased this way, Sir, because of the size of the Northward Prison and when phase 2 is completed the number of prisoners that can occupy it.

The bill is a good one, Sir, and as I said it just needs to tidy up further, I think I told the House when the other part was being amended earlier on this year, that there would be a further amendment coming on stream to be able to bring into force when phase 2 of the prison was completed. That phase, Sir, is about to start and probably will be finished early next year, if not late this year.

I commend the bill, Sir, and I ask the Members for their support to it.

MR.PRESIDENT: The question is that a bill intituled The Prisons (Amendment) ( No.2) Bill, 1991 be read the second time. The motion is open for debate.

MR. W. NORMAN BODDEN: Mr.Speaker, in considering the amendment to the Prisons Law it is pleasing to note that necessary preparation is being made to keep our prisoners here in the Cayman Islands.

I for one have never been in favour of sending any of them to another man's country whether his sentence was for 6 days, 6 months, 6 years or whatever it may be. I am convinced that a person's environment and his rehabilitation programme can be a strong determining factor as to whether or not he returns to society a better or worse individual. It is expected, and I hope that it will come about in the near future that our juveniles in trouble, or with mental cases, can also be provided and cared for here as well.

I have a few questions for clarification purposes that can be dealt with when this bill reaches Committee stage, so, Mr.President, I therefore support this bill. Thank you.

MISS ANNIE NORMAN BODDEN: Mr.President, the original law is called the Imprisonment, now this amendment is called the Prison Law, now I do not know if that is quite proper, or we should term it under the same head as we have the original.

I feel, Sir, that we must do something for our Island to try to hinder crime and I do not feel, Sir, that sending our prisoners abroad is helping the situation any.

I feel that we should do everything possible to try to bring back our Island to the state where it was, say, 20 years ago and having a prison is a work of Government to people, or should be, but very unfortunately, Sir, I am not sure that we are expending all the care and attention that we should on prisoners. I am not too sure about that.

In olden days a prisoner was made to feel ashamed of himself and then I would say rather cruel how they were treated, but it seemed to have had a good effect on those who were breaking the laws that they did not try to repeat too often. Now in these days when a prison sentence is not mandatory in most instances, anybody can raise $2,000 or $3 000 at a glance, they can pay their fine and society is that much worse off. I feel that in a certain degree for us to correct the crime that is in this Island we should amend all of our laws to include that certain major crimes money cannot pay that, it should be a prison sentence. Now, if we did that it would help to rid our Islands of crime.

I feel very sorry for unfortunate people and more especially those juveniles who seem to have gotten completely out of hand and it seems to me that when we build a prison we should make some preparation that we can house these poor juveniles. We cannot just let them go on the streets as is being done now. In some instances they are punished too heavily in other instances they are allowed to go free.

MISS ANNIE EUDORA MOORE (CONTINUING): And I feel that we should make our laws so impressive on people that it would be a challenge to do better.

I am not too sure that I support this legislation but I do say that we need to have many tempered with justice.

MR. BENNY O. BRAINES: Mr.President, I too am happy to know that we are reaching the stage where we can accommodate our prisoners at home, but I would hope that in the winding up of the debate by the mover on this bill, that he would seek to give some elaboration on the necessity for bringing the bill in this form.

As I understand the situation at the moment, it is not necessary or mandatory to send a prisoner, other than a prisoner convicted of murder, to Jamaica, it is merely lawful that this be done, so that if we have the accommodation within the Island without any change in the law, the person could be left within the Island. It gives me some concern as to how these various sections which, as I see them, are all inter-woven and inter-dependent on each other, are going to be brought into effect at the various stages, particularly I am not legally trained but section 1 of the bill certainly gives me the impression that when the order is made by the Governor for the coming into effect of this bill that some order will also appoint the days on which the other sections will come into operation, and if these can known, if these dates are known, it seems to me that they could have been put down specifically within the law.

Of course, I suppose there is always the possibility that the order will state that further orders will be made and may be this will be the explanation. But, as I said, the bill needs some clarification and I certainly have questions which I will have to have satisfied when we go into the Committee stage.

I have no objection to the bill here, as I said, I cannot really see the urgency for putting the bill forward in this fashion and may be we can have some explanation as to why this is being done.

I thank you , Mr.President.

MR. HAMMOCK BRAMBLE: Mr.President, as has already been said that the amendment to this Prisons Law that our prisoners in Jamaica will be able to return, which has been a sore spot in the community and legislature as well and I think it has long been over-due.

But with all the amendments that come before the House from time to time it does not seem to serve the purpose that we would like all the way, because I have asked the question countless of times and I have got no answer to it yet. When someone is committed to prison, whether it is for a week, or a month or a year for whatever might have been the offence or offences they committed, then they are kept in prison in a hotel fashion form, fed, clothed and that is the shot they are paying for the offences they committed. No one has yet been able to tell me why prisoners are not allowed to work in this country. The thousands of dollars in many cases that Government pay out to contractors to do Government work, Government jobs, it looks like these prisoners could be doing it. Such as Government buildings , there ought to be to the extent that you would have to wear shades to keep the glitter from your eyes. The roads through these Islands should be well kept indeed, but many go in and come out and say that it was a hotel life and we will go back again. I hope we will soon find an amendment to correct some of this.

MR.CHALLOCK LEANES (CONTINUING): Some may feel or think that I am inhuman, not at all. When one commits a crime, before he committed the crime, he was aware, or she as the case may be, that they were about to commit a crime; they knew it was against the law, they knew if they were caught they would be before the courts and the Judge would have to pass a sentence. Then why not let them pay for it?

When we get into the Committee stage on this, Mr.President, I will ask some questions and make a few other comments and remarks but it is time, it has been long overdue as I recall that primarily those who are to remain in our Island, where their relatives can more frequently visit them and see how they are being treated and what life is like in a prison.

I thank you.

MR.PRESIDENT: Are there any other speakers? Would the Honourable Minister wish to reply?

HON.D.A.WILSON: Yes, Sir. Just to clarify a few things that have been said. If the Lady Member will recall when we had the First amendment to the Imprisonment Law, we changed the name of it to THE PRISONS LAW.

I am certain that when we did the first amendment I told this House that another amendment would be coming. This is the way that the Legal Department had to plan it as the Prisons up there was being done in phases and we were not sure of the timing, and we could not wait to do a new law, a complete new law which we could not really apply. We had to do it in the fashion that it has been done.

The Honourable Member from West Bay questioned the section 5, I do not think that is quite so. The day that the law shall come into force is different from when the other sections can be brought in, but nevertheless we can go into that more thoroughly in committee.

The Member from North Side enquired the fact that prisoners are not working. For his information the prisoners do a 45-hour a week work, they work 8½ hours a week, 8 hours a day and 4 hours on Saturday and I think if the Member wishes at any time to see go up there, especially at this time and the results of their work can be plainly seen. Nevertheless, for the benefit of all Members we are keeping in close touch with the development of the prison and I think it is going very well and something that this House will be proud of in due course, having voted the money for it.

I agree with the Member that it is nearly like a hotel but the standard is up to international standard and if it was below it we would be criticised and I think our own people who inspect the prisons would heavily criticise us if the conditions were not good.

I am only too proud, Sir, that we can give our prisoners good conditions.

MR.PRESIDENT: The question is that a bill intituled the Prisons (Amendment) (No.2) Law, 1981 be read a second time.

QUESTION PUT: AGREED . BILL GIVEN A SECOND READING.

MR.PRESIDENT: I will suspend proceedings at this stage for 15 minutes.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

THE LIQUOR LICENSING (AMENDMENT) (NO.2) LAW, 1981

CLERK: The Liquor Licensing (Amendment) (No.2) Bill, 1981.

MR. PRESIDENT: The Bill entitled the Liquor Licensing (Amendment) (No.2) Bill, 1981 is deemed to have been read the first time and is set down for Second Reading.

CLERK: The Liquor Licensing (Amendment) (No.2) Bill, 1981.

HON. JACOB M. BODDEN: Mr.President, I move the Second Reading of a Bill entitled a Law to Amend the Liquor Licensing Law, 87c.

Mr.President, as a country progresses it must necessarily update its laws from time to time. This is a case in fact. This Law must be brought in line to suit the industry that we cater to and enable business to go on and function properly.

Everyone is aware of the recent problems that faced the Liquor Licensing Board in its last session and if anything could have been done at that time to change the rulings that were put out we would have done so, but the Liquor Licensing Law leaves no room for discussion, therefore the stand had to be taken, as much as we may have disliked it, at that time. I seek the support of all Members of this House and I think that they will see the merit in the presentation of this short amendment.

MR. PRESIDENT: The question is that a bill intituled the Liquor Licensing (Amendment) (No.2) Law, 1981 be read a second time. The motion is open for debate.

MISS ANNIE H. BODDEN: Mr.President, as the whole world must know I oppose liquor drinking in every form. I have had more criticism in this Assembly in the last 10 or 20 years because I have opposed liquor drinking than I or any other Member has had.

Now I quite agree that 9 out of every 10 persons today in Cayman must be cultivating an appetite, I should say, for liquor and strong drink, but I am saying that in a country this size, I am sure we have, I would say, 25% too many liquor distributing centres that we know of, plus three black-market or whatever term you may call it, otherwise.

Now I feel, Mr.President, that the Galleon Beach has been and still is the oldest established hotel in Grand Cayman. It was built when we were stricken by poverty and it has done a noble job, but nevertheless, regardless of who does wrong, they must suffer.

Now the management, whoever they are, I do not know anything about who the management is, but I am very sure they must have known the circumstances for one year - you have your application in on a particular day. Well, why can not that done? Is it because we have the name that anything you do wrong they will change the law to suit you.

I am here today to oppose any change in any law for the benefit of anyone, even if it was Annie Bodden Bodden.

MISS ANNIE B. BODDEN (CONTINUED): Now I feel that I understand now they have a temporary license, certainly if they have one now, I do not know if it is true, but I heard it broadcast, but I might add that I have heard it said in this Chamber that not everything you hear on the air is true - I do not know if it is true or not, but I am saying this that if it is possible that they do have a temporary license now, that should have been the consideration at the meeting.

I have served on the Liquor Licensing Board from the time I was a Member of this House, I have had some very stormy sessions, and believe it or not, Sir, after the 1980 Election I was so hated and I say hated, that that was the only Board I was ever asked to serve on. I was shunned from every other Board because I was told publicly on the street - "we could not put you out of the Assembly but we sure got you off of every Board". Well, I would not accept the Liquor Licensing Board.

I know, Sir, that these establishments have given a lot of trouble and the more influential they are the more trouble they give. This is not the first time that we have had problems and I am sure it will not be the last, and I feel that we, as a Parliament of responsible people, should not change any law for the mistakes of other people.

We have prisoners before the Board that could be hung, and if they are sentenced or not sentenced, should we change the law because we happen to know they are influential? No such a thing. In this Assembly the Mental Health Law was made against certain people, the Voting Law was made against certain people, now that is enough. I will not be a party to amending or changing any law to suit anybody. While I sympathize with the Caribbean hotels, because I said they have played a noble part in our tourist industry, it has brought the Island from poverty it to, I would say, a financial success, and that was the first hotel and it should be given every consideration, but we should not be taken for targets that because we will play with those Legislators, we will show them what we can do and have the law amended - never!

Now I have objected to certain things when the law was made in 1974, I did not agree that we should get 18 year olds to drink all the liquor they wanted, I objected to that, I did not get anywhere because unfortunately in this day and age, goodness is in the minority and while I sympathize with these people, I would not like to see the tourist industry go down, I say it is the mainstay of our economy but I will not be a party to propose to change any law to suit anybody. If you suffer, you must die and I feel that if they had been given a temporary license at this stage that could have happened in the first instance, and I will not agree to change the law to suit anybody. Thank you, Sir.

MR. W. MARVIN HUGHES: Mr. Speaker, I rise to support the Bill for a Law to amend the Liquor Licensing Law, 1974. I note that on 6 occasions in the past it has been found necessary to amend this law for obvious and justifiable reasons undoubtedly. The Law clearly places the onus on the licensee for the timely filing of his or her application which is only fair and reasonable. However, if for any reason whatsoever, be it valid or otherwise, this date is not met, then it gives rise to a situation which firstly, can create hardships for an established business, whether it is deserved or not; secondly, it can cause inconvenience to some Members of the public and thirdly, it can make it difficult for the Board to function and regularise any particular case or circumstance until the next quarterly meeting.

MR.W.NORMAN HAGAN (CONTINUING): I do not, however, at the same time, condone nor encourage carelessness nor negligence that would bring about a situation similar to what I have just outlined. However, I do believe that some provisions should be made in the law to enable the Board to deal with these cases if and when they do arise.

I am satisfied, Mr.President, that the proposed amendment of sub-section (2) of section 15 would discourage licensees of making a habit of late applications or abusing their privileges in any way. I would hope, however that when the prescribed fees for temporary licences are being dealt with that the amount fixed will be substantial in the vicinity of 75% of even of the regular full year fee in order to discourage licensees from treating this amendment lightly.

So, having said these remarks, I support the bill as it stands before the House. Thank you very much, Mr. President.

MR.P. OLSON (IN ENGLISH): Mr.President, just looking at the bill and the reasons for this amendment, I would say no, we should not support it. But then looking at the values and the harm that I feel it would bring to our Inland and community, I think it best to support it, because the tourist trade is a very big issue here and no hotel really can operate properly without a bar, especially one as old as the Falcon is.

I feel that we are being just in one way to support this thing, but on licenses I feel also that it should be a fee put on those where it would discourage slackness of management to get their applications in in time. Thank you.

CAPT.CHARLES L.KENDALL: Mr.President, I rise to support the bill but I must say that I do not agree that we should change a law to suit any particular premise and if people are delinquent and negligent in renewing their licenses on time, something should be done. However, Mr.President, I took a lot of time and I went through the Hansards of the 1974 Liquor Licensing Bill when that was being passed and I must say, Sir, the very thing that the mover of this bill this morning is fighting to get put back into this bill, discretion, is the very thing that he fought in the beginning to the very end of that bill.

I agree, Mr.President, that we should put a little discretion in this bill and I support it.

I feel that tourism is very essential in this territory, it is a very fickle industry and we have to look at this thing from a broad point of view and not take it as it is in case by case.

I would like to see, Sir, in section 6 sub-section (1) an amendment in that it that we delete "or" and substitute the word "and" so there could be no excuse that they do not get the Gazette and that they were not informed in time. If we substitute "and" it would mean that the notice would have to go in the Gazette and also in the newspaper.

I think, Sir, that another amendment would be in order in section 5 where it says "No application shall be made more than once in every 2 years in respect of the same premise" Suppose that the premises is sold in two years, it could be sold for as many as two or three times, suppose the first owner was negligent and failed to get a license, a new owner came along, purchased that property, I do not think it would be fair to penalize the second purchaser of that property by refusing him a license. I am suggesting

CAPT. CHARLES L. KIRKCONNELL (CONTINUED): that after the words "year" of sub-section (5) the words "by the same applicant" be added. This would eliminate any hardships or any inconveniences that may arise in the future.

Mr.President, with these few words, I hope that when we get to the committee stage that these amendments will be put into the bill. I thank you.

MR. HANSON O.KHANNA: Mr.President, I too am support this amendment and I would have that we are not here amending the law because of a specific premise. It might be that the situation was brought about by the actions of a particular licensee for premises but nevertheless we are, in fact, doing an amendment that will apply to all places for all times.

I must support the amendment offered by the last speaker. I think that the notice should be published in a newspaper as well as in the Gazette, since the newspaper is widely circulated and the Gazette is not reasonably so.

In sub-section (5) of section 5 of the bill I support an amendment being made there. My understanding is that the license is granted to an individual or individuals and not to the premises. It is a very fine line I know between the licensee and the premises but as I read the law, the license is in fact granted to the individual or a group of individuals as the case may be and the premises is or are, as the case may be, merely the location where the licensee is allowed to sell the liquor or the alcoholic beverage and the point that the first Member from Cayman Brac has made and which I support is that the amendment as it is now proposed could, in fact, not meet some future case and I think if we are amending the law we should try to make it as all embracing as possible, and the example that I would give would be if a licensee probably he might have been running the establishment as a hobby and really had no concern for his license, nevertheless, the license was essential of the successful operation of the premises once it has been lost because of his negligence, he decided to sell it. And it could be that the premises in question is one that is important to the tourist trade; it plays a number of jobs to people and we may need the beds for the accommodation of people in the industry. I would like to see something added in sub-section (5) that would protect the new owner in the event that the premises had fallen under the hammer of this already more than once in two years, and I would have thought may be that an addition at the end saying: "in respect of the same premises by the same licensee" or something of this sort would cover the point. But the point I am really making is that the premises is not responsible as such for the application not having been made, it is the licensee or the individual and the premises, if it comes under new ownership should not be the reason, the operation of the premises by previous owners should rather be a reason why a new owner who qualifies in all other respects should not get a license and. I would hope that we can get some addition to that sub-section (5) to cover that eventuality.

I thank you.

MR. GELLHORN RAMPS: Mr. President, I had thought of leaving my talk over the weekend, but I did not simply to try to keep my head cool. For the few years that I have been in this House I have not been asked to take my seat yet, Sir, and I would hope that even if I fail even the least grace will be granted that I will not be asked to sit down.

When I came in here, Sir, I leave my friends outside. I bring nobody in here on my shoes. I come in here to deal with business that pertains to the running of the country and I do it without fear or favour. As far as I am concerned, Sir, this amendment should not be before the House. It is an injustice, Sir, because of the background. The reason for this amendment being brought to the House is caused by ruthlessness - people that say they did not have time and felt that they could wind some sector of Government around their finger and get what they want.

Mr. President, I would venture to bet my head on a chopping block that if any number of local Ukrainians in this country had failed to make application on that date they would not have gotten their amendment today. They would only have been told, "you had time to do it, why come now?" Then somebody does not have time to do their business or their job or do their work, they ought to give it to somebody else who has time. When the Board met a few weeks ago it had 22 applications. In other words it is unprecedented for licensed premises in this country, 22 could find time to write in a request asking that their license be renewed for another year. You did not have time. But they request Legislature to bow it their feet, retain their seats and amend the law to suit their convenience.

I know why the Board met to deal with the annual Liquor licensing applications, it was one minute and this is the result of it. According to the written request that was before the Board, Saltcoats should have been closed and be marked the point of Sodom it but took anybody and said we would close them anytime - and this is the result, they say we will not even apply this year but we will not our license.

Maybe some Members are saying the hurt this country will get. Everyone of these immigrants came here and found this country - this country did not go to look for them and they say I like it here. Ugly them if they like it here, Mr. President, let them know by the time that the country has down.

Mr. President, with your permission, Sir, I would just like to quote from the Wall Herald an incident in London or in Britain where they closed two casinos and during 1980 the royalty from those taxes to Britain was $\underline{\text{two}}$.4 million. The argument arises that it was a disgrace for the reduction of those clubs to be operating and their licenses must be suspended. We have a few hundred persons or a few thousand pounds and they are sued up and lose $\underline{\text{two}}$ million. I am using it as an illustration - the two of them I suppose do not go together. Why have to somebody when they come and find you here?

Mr. President, I believe if this Government was to declare a moratorium today saying that we will close the schools and churches in this country for nine months, not a foreign investor would have a word to say. But the minute you touch liquor, everyone of them is on the tear-down - you cannot do this, you cannot do this and then we have our people saying we are here this, we are going to lose that. We will only know the type of people that should not be here to begin with, Sir.

There are many Canadians like myself who have donated the cream of their lives to help make this country what it is today and I am one of those, Sir, and I do not yet what some other Canadians got - a kink in the waste when you cannot have any longer.

MR. CHARLOCK FRANCE: I venture, Mr. President, to bet, including myself, there is probably one other Member in this House that has enough guts to say that we will close every Licensed premises on a Sunday in this place. That is why the youth are ending up around the street because their parents are down at these places on Sunday when they should be home with their children. That is the good we are going to lose, the results we are getting - the country is falling, the standards are dropping because it is liquor. Touch anything else in this country except liquor - do not touch that. They want 24 hour permits and something more if they can get it.

I feel, Mr. President, if this amendment is justified on the grounds of hardship that it might be amending, then it is time that the traffic law be changed. When the Judge disqualifies somebody for six months without a driver's license - he is driving in West End and his job is in West or down on the Pearl Bay Beach, then he begins to suffer hardships. The law ought to be amended that when the Judge could grant him the privilege of driving his car to work and back because he is encountering hardship and his hardship was caused through negligence or carelessness, then the same position to the hotels. If their hardships must be considered, then other people's hardships should be considered.

Mr. President, I will stretch my neck to do anything that I can to make this visitor comfortable and welcome in this country. But I am not prepared to lose to the carelessness and negligence of any investor in this country. As has been mentioned, it is one of the oldest establishments in this country and it ought not to be something new to them to know what to do. There was some argument given to the Board. The manager was sick in the hospital for two days - I wonder if the hotel closed down for those two days? Did it not still go on?

Now, Mr. President, if this amendment is passed and the Board meets to deal with these applications and the Board refuse to grant a license on the same grounds that they did not comply, and if then, did not apply they did not want a license as far as I am concerned. But then if the Board rules and does not grant a license, where do we go from there? Then if reasoned reasons start to step in and over-rule the Board's decision, then we do not need a Board. And if this is done, Sir, then it is a step in the direction of dictatorship with communism floating.

Mr. President, I could go on for a period of time now, but when we get into Committee stage I am going to dig into some of these proposed amendments before I am finished. I will not be speaking, Sir. I feel that you understand that by now and I could add that if loyalty was coming to this country and they were going to dine at the Pelican, Canadian would not approve of this amendment.

My people and my home, my people are first. This country is first and we must have to unite. If a few other people are off a week's work, they will survive. The hotel will open them again. So with these few remarks, Mr. President, I thank you.

MR. PRESIDENT: Are there any other speakers? Does the Honourable mover wish to reply?

HON. JAMES M. MORGAN: Mr. President, I wish to thank the Members who spoke in support as well as those who opposed.

If I remember correctly I think in my opening speech I mentioned that time changes and we adjust with the time. Some mention was made of me approving discrimination in the Bill in 1974. That is quite correct. I did oppose and I have stood in opposition to a lot of discriminatory powers being given to any Law that is born on the statute books. But, Mr. President, today I cannot wear the same suit of clothes that I did when I am fifteen and neither can the other Members of this House. It has been said by an old philosopher that any man who will not change his mind is a fool and at least I like to think I am not a fool.

HON. JAMES M. RODDEN (CONTINUED): One Member spoke about if you do away the Government will change the Law and that you can cut high pressure from high places, or something like that I think the phrase was used. Mr. President, I would hate to think that the Member in question really meant that because this Government would be accused of following some clandestine perfusion and that has never been available that the Legislature of this country, the present or the past, have ever been guilty of and I think that was a very unfair statement to be made by any Member.

This is not the first Law that has been amended and I am almost sure it will never be the last one. I would like to remind this House that I am a man who has never worried about Scientology. If I have a friend, I will walk with him and be a friend, but whether I have him on the inside or the outside of this House, it makes no difference in my mind when it comes to doing what I consider to be right. I have never been scared around or about by any section of the community and I never will. I change my mind, other people change their minds and that is in my opinion is what makes good Democratic government. I have studied down very hard on this Bill, or this Law rather, since since I became a Statesman of this House and I can assure the Members that I will not be less diligent in my work in the future than I have been in the past.

Therefore, Mr. President, I commend this Bill to a second reading.

MR. PRESIDENT: The question is that a Bill intituled The Liquor Licensing (Amendment) (No. 2) Law, 1977, be read a second time.

QUESTION PUT: AYES 5 NOES
MR. PRESIDENT: I THINK THE AYES HAVE IT.
BILL GIVEN A SECOND READING.

MR. PRESIDENT: This may be a suitable time to suspend until 2:30 this afternoon.

AT 12:55 P.M. ITS HOUSE ADJOURNED

HOUSE RESUMED AT 2:32 P.M.

MR. SPEAKER: Please be seated. Proceedings will resume.

## THE MUSIC AND DANCING (CONTROL) (AMENDMENT) BILL, 1981

### FIRST READING

CLERK: The Music and Dancing (Control) (Amendment) Bill, 1981.

MR. PRESIDENT: A Bill intituled The Music and Dancing (Control) (Amendment) Bill, 1981 to deemed to have been read a first time and is set down for a second reading.

### SECOND READING

CLERK: The Music and Dancing (Control) (Amendment) Bill, 1981.

HON. JAMES M. RODDEN: Mr. President, I move the second reading of a Bill entitled A Bill for a Law to amend the Music and Dancing (Control) Law, 1977 (Law 10 of 1977). The reasons for this are similar to the reasons and objectives that I gave in the previous Bill, the Liquor Licensing Bill. I seek the support of the Members of this House.

MR. PRESIDENT: The question is that a Bill entitled The Music and Dancing (Control) (Amendment) Bill, 1981 be read a second time.

The motion is open for debate. Do any Members wish to speak to the motion? If there are no speakers I will put the question.

QUESTION PUT: AYES & NOES

MR. PRESIDENT: I THINK THE AYES HAVE IT.

BILL GIVEN A SECOND READING.

## THE COMPANIES (AMENDMENT) BILL, 1981

### FIRST READING

CLERK: The Companies (Amendment) Bill, 1981.

MR. PRESIDENT: A Bill entitled The Companies (Amendment) Bill, 1981 be deemed to have been read a first time and is set down for a second reading.

### SECOND READING

CLERK: The Companies (Amendment) Bill, 1981.

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir the second reading of a Bill entitled The Companies (Amendment) Law, 1981.

Mr. President, the basic object and reason for this Bill is that it seeks to increase a number of fees payable under the Companies Law. The question was raised, Mr. President, as to why a tax bill of this nature would be made public before the presentation here and perhaps early before the Budget Session when the state of affairs of the Government and the economy is made public and the projected position for the ensuing year is put forward.

In recent times the private sector has requested that the Bills of this nature, which seek to impose additional fee, should be made public early in advance of the first of the year when the fees are due. The fees are paid largely by foreign institutions who want to know well in advance what their commitment in the ensuing year will be. In fact, the majority send their fee to their local representatives early in advance of the due date so that prompt settlement can be made on the first of the year. It has been the policy of Government in recent time to implement tax bills of this nature early and to advise the public accordingly. In fact, I think the suggestion has been made that these bills should be made public from as early as the middle of the year.

Mr. President, the second thing I would like to let this Honourable House know that Government at no time would introduce tax bills here unless there is clear evidence that these funds are required to supplement current income or to supplement income for the ensuing year when all the measures would become effective. And so the proposal is put forward on that basis.

The financial position will be made public at the Budget Session on the 15th of November and at that time we will be able to give you figures and facts which will lead to the justification of these measures.

Mr. President, tax bills of this nature are usually introduced on a regular cycle. In other words there is a time when each of these major tax bills must be examined for the possibility of increasing their financial contribution to Government's funds. And this particular Bill, on this particular measure, was last examined in 1977 and its provisions, on the new provisions, made effective on the 1st of January 1978. It completed a cycle this time of four years.

HON. V.C. JOHNSON (CONTINUING): Inflation has risen considerably since this time and we could place it at a minimum of 50% and therefore it goes without saying that if we are looking for a measure which can produce some additional revenue, this is likely to be one of them. We are therefore recommending to you that you approve this measure to increase fees under the Companies Law.

The measure introduced in this Bill will produce approximately $1,362,000. It is one of the big revenue producing areas. The increases are not unduly out of line. Ordinary companies fee is being increased by approximately 33 1/3%. Non-resident companies fee is being increased approximately 25%. Exempt companies fee is being increased 33 1/3% and foreign companies fee is being increased 50%. These, on the basis of cost, adjustments are considered reasonable and especially from the fact that it has been four years since it has been tapped.

Mr. President, the proposals are set in the Bill. It is a purely and simple tax Bill and so there is very little that I can add to what has been said; I would request Honourable Members to give the Bill their support and accordingly move the second reading.

MR. PRESIDENT: A Bill intituled the Companies (Amendment) Law, 1981 has been moved for the second time. The motion is open for debate.

MISS ANNIE DULCAH HODGE: Mr. President, when I was just a child, one of the first little fairytale books I read was the "Goose that laid the golden egg". How the owner was so avaricious and wanted everything one time, he said the goose only produced one egg per day and to get all the eggs that the body contained they said they would kill the goose and get all the golden eggs. Now that is what this Bill reminds me of. Trying to get everything in a hurry. Now, Mr. President, in all the papers I read there is likely to be a world recession. Other countries, rich countries, powerful countries, are trying to curb their expense. We in this little Isle by your Island, we seem to have a mania for spending money like it is going out of style and as a result we have to impose taxation.

Now let us be very realistic about it, there are others places in the world that would be glad to get some of the business that we have in this Island - these off-shore companies, banking and all the rest.

My idea of living is this. I am an old fashion woman, Sir, 73 years of age, but, my idea of life is that there is such a thing that should be termed "spending money with some sense of using it".

Now Mr. President, if we were wise people we would cut down our expenditure. Now I am not saying deprive ourselves of necessities. I am saying unnecessities we need. But we are wasting money, and I am not saying this just because I am in this House of Parliament - I am saying it because it is a fact. We are wasting money in a lot of ways. Personally, for this city of George Town, I see so many needs that we could spend money on that would help at least beautify the place. We are wasting money, I would say on this News Bureau. Why we need to spend this fabulous amount to get people to know that we are inviting tourists here.

HON. TRUMAN M. BODDEN: Mr. President, on a point of order, Sir, I think the Lady member is straying on to a topic of the News Bureau which is completely separate from companies.

MR. PRESIDENT: I think the Honourable Lady member was trying to make the point that as well as increasing the revenue there is room to reduce expenditure. So I think it is a fair point.

HON. TRUMAN H. BODDEN: Provided, Sir, she does not go generally into expenditure.

MISS ANNIE HULDAH (WOMAN): Thank you, Mr. President. And I wish that my little friend would really leave me alone once in a while. I am a big, stalwart, able-looking body and I had sense before he was born - so please if he would leave me alone we would be on better terms.

Now, Mr. President, I am saying this. I have more money now personally than I have ever had in my life, but I still live in one of the poorest houses there is in George Town because I know, as sure as God reigns on that great white throne, we are going to have a depression sooner or later. And I do not want to have it said that the Government has to feed me.

Now, Mr. President, if I had too good, strong knees I would stay in the Assembly until the Almighty called me to the glory land, but after 1964, if I am alive then, this crowd here would not have any bother with me. But I am going to do my duty while I am here regardless of who I hurt, if I hurt Annie Huldah Bodden. And I am saying this that for us to use our umbrella we must cut down on expenditures. Whether we like it or we do not like it, that is the sensible way to proceed. And I know I am the most hated lady here. The only human being in George Town like a woman who has the nerve to come here to be abused like I have been for nearly twenty years. And I will not resign, I will not give up, I will not be abused, I will not be insulted, I will not leave until I get ready to go. So I am saying now, Sir, if we are using our common sense, instead of killing the goose that has laid the golden egg, and is still laying it, we would cut down on our expenditure.

Now, Mr. President, since I have been in this Assembly from November 1962, I consider that I have only done one thing that is any good and I am not saying what that is. But I am saying this, Sir, that we should try to work here in harmony. The Executive Council Members, they are not everybody, they are like advisors.

On Saturday I had a man come to my house and he said, "you know what, including you Annie Huldah Bodden and other people, I would not come out in 1964 to put one I because none of you are any good. You are absolutely no good, you are not doing anything for our country. You promised a lot in the elections, but you are not living up to your job. The roads in George Town need fixing, the bush needs to be cleared, there are a lot of things that you could do with very little expense and what are you doing? - Wasting the money on nothing." I am saying, Mr. President, that we are sensible people, not antagonistic against each other. What benefit would it be for me to come here to ridicule these people? It would not make sense. Besides I am a Christian and if I were not a Christian and living by a power far higher than my ordinary self, I would not rise - I would just cut and bust some of these people because of the way they abuse me. But it is just like water on a duck's back.....

MR. PRESIDENT: I have not in the remainder of the House.

MISS ANNIE HULDAH BODDEN: If I am out of order just correct me, Sir. I am saying this: that schools can begin by the simplest human being. I have heard a renound judge in the Grand Court say, "I learn something every day, sometimes from a little infant". And if these people here would just not look on these backbenchers, that we are termed, as ignorant people, we would get further on. And I am saying, Sir, that I feel that we should cut down our expenditure in any way that we could provided that we are not doing anything that is detrimental to our way of life. We need assessities. We need an airport. We need proper roads finished fixing. We need street lights. We need that Whitehall

MISS LUCILLE ATCHEN BROWN (CONTINUING): country to be alarmed. We need the people to be looked after. I am sure that the deck could have some work done to make it more workable. There are so many things that can be done instead of putting it on papers that we are a true nation, that we are this, we are that. Let us, Mr. President, use our good common sense and work together in harmony. Not every time I get up, they ask me what I am to try to crawl up, they are jumping on them of me and saying I am out of order. I am not out of order. I am only giving good advice as an old woman to young people who have not got the ability or the experience to know what they want and what is right.

Now I am spending these two late nights and mine I am on my feet there is a rumour all over the place that in the 1968 Estimates we will be called upon to find money to make an expenditure of $20 million. And that will be quite inflation. And I am saying at this stage we should go along very sensibly, very easily and try to curtail our expenditure instead of increasing it.

Thank you, Sir.

CAPT. CHARLES F. KIRKCONNELL: Mr. President, the Bill before us today, Sir, is quite straight forward. But I personally think it is a very poor time to introduce new taxation when the world is experiencing a recession. Other countries today, Sir, are trying to cut back on their taxes, yet we find here that we are going opposite to the world. I fail to understand this and I cannot accept that we are right.

Like the Member before me said, we should remember that there are other territories who are in the same business that we are in. This is a competitive business and while there may be Members here who believe that the Cayman Islands is the hub of the universe, I for one recognise that we are only three little dots on this big, big - wide of course. And if we want to keep the people here and to keep them happy, we must give them a fair and reasonable rate on which they can have their commerce registered here and maintained here.

I am no chain lawyer, but it would not cause my mind ever to think that stamp duty and would have ever been tampered with at this time. But, if the stamp duty tax - had they brought that out, we would not only have a recession here, Sir, we would have a mess. So I hope that when new measures of taxation are introduced in the budget, that stamp duty will be one duty that will be erased from their minds. The other one, let me remind the Government, is the tax on banks and trust companies. Let them also remember that some day or other there will be international banking facilities established in New York and other major cities in the United States.

I see no reason why we should continue, Mr. President, reaping the best. We are going to rack it one day until we turn it out on ourselves. Why not go along and be content with what we are receiving? I concur with what the lady Member has said. Let us look at our expenditure. Let Government examine this with a view of reducing this wherever possible. I feel that there are many areas in which savings could be effected.

The Member, in introducing the Bill failed to say that this was absolutely necessary. I know why he hesitated, Mr. President, because he do not sure that the Government really needs this money. He has not told us today that they have the budget estimate up and that we need this money. I do not think we do. And in the absence of that I do not see why this Bill is brought before the House.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): I feel that there should be a more constructive, effective and efficient manner for us to get money or revenue rather than following and flogging the same old well known pattern of increasing taxation. Like what the Fifth Member said a while ago for a starter, Mr. President, I would suggest let us cut out that Cayman Islands News Bureau - that is a quarter of a million dollars expenditure that this country does not need and neither can it justify.

Those are the areas I am referring to.

Mr. President, this expenditure is not in the best interest of our people and as I said it cannot be justified and I think if people would put their ears to the ground they will realize that all is not well on the outside of this country. People are beginning to wake up. One day, Mr. President, there will be a day of reckoning and I am saying here in this Assembly today, without fear of contradiction, as sure as the Bible said it there is going to be weeping, wailing and gnashing of teeth.

I thank you Mr. President.

MR. W. NORMAN DOUGLAS: Mr. President, I recognise too that as more and more demands are made on Government to provide essential and other services and for capital expenditure, funds must be raised and made available to meet these demands. However, I believe that caution must be exercised in allowing ourselves or the public into a state of contentment with our favourable financial position and then shortly thereafter having to impose taxation in certain areas. I say that for the simple reason that it then becomes difficult to understand and to accept.

I grant you that the percentage in some cases are high that have been proposed, however, I do not consider that the actual amounts involved are very large. I feel that in the areas of the Companies Law that have been proposed that we should look gently in these areas as well otherwise the correct kind of comments to our shores could easily become the issue that turned them away. Therefore, Mr. President, I am unable to support this proposed amendment.

HON. THOMAS M. RUTTON: Mr. President, it was President Franklin Roosevelt who said that the only limit to our realization of tomorrow will be our doubts of today. In this world one has to be a pessimist at times and an optimist at other times. And, I think it was Spalding who once said that in some times to be capable of seeing your eyes in the morning you have to be an optimist.

What we have before us here today is a very simple Bill. It is a Bill which increases fees on companies that have not been increased in four years. It seems to me blindness to confuse a depressed world generally with the situation within the Cayman Islands. When else can one really put in investment on matters such as this if it do not in times when the economy can properly deal with it. We have a situation here that we have to be optimistic about. It seems that the concerns to this Bill have not expressed that extent of criticism with either the Government nor with these measures and it is in relation to that that I join issue with them in the legal sense.

While Government's position financially is good it has gotten there through the prudence of this Government and I do not think, at this stage, that the public in any way believe that the Government that has built the economy that we now have will do anything to destroy it. I have always believed in listening, Mr. President, to everyone, but I have the ability to sort out the chaff from wheat in that moment.

Much has been said about expenditure, paring it down - tightening, but on the other hand everybody wants to be able to travel, whether it is on the county or on the dock in Cayman Brac or the airport in Cayman Brac or whatever. And this money has to come from somewhere and the local investment or our people comes through measures of this sort.

HON. TSEMBI M. SOKOW (CONTINUING): While it is true that the Government has engendered an atmosphere which is coveted throughout the world and has put us in a strong financial position, this Government would be a pessimist and blinded to realities if it failed when it was appropriate in instances such as this to increase areas of revenue where it can. Anybody who looks only at cutting expenditure is very much like a horse with a shielded path down which he trots. They are afraid to move to either side and therefore they will never know the good that could exist beyond that narrow and rank path.

The situation here has no relevance to international banking facilities and it should not be confused with it. It is a completely different facility, it does not relate to companies that this is going to deal with and often, Mr. President, it is better not to confuse issues of this sort where one is dealing with a highly specialised and highly technical aspect of the financial world. That may well be different if this was an increase on banks, but that is not so.

The thing that I often find amazing, Mr. President, is the willingness of people to say this is not going to work, this is wrong, but the inability or the unwillingness to tender a solution. I respect a person who comes forward and says you are doing something wrong, here is a better solution. But quite frankly I find it very difficult to swallow advice which is given saying this is wrong but I cannot give you anything better. And quite frankly at this stage I know that when we reach the time of the Budget, everybody is going to want particular things to be done, the roads in George Town or the cemetery or something in Cayman Kona or something in East End or Northside, whatever, and at that stage the duty is on this Government to provide the money. So it is the obligation at this time in the interest of the people that the opposition to this Bill, or to any other revenue raising measures, should cease, because at that stage they are in a completely different situation. They cannot have it because we do not have the money, because they outvoted something which would have created the money by which they would make the expenditure. So I find the opposition to this somewhat amazing and, in fact, in the past the companies fees were raised as I remember sometime every two years, sometimes I believe at one stage after a year. It has been four years since these were raised and we are not going out of line with what other countries are charging. I make my living out there in the financial sector and I would be an idiot to take an approach which are detrimental to me, personally, to my people as a whole and to this country as a whole.

So at this stage without any better solution to provide revenue and in the light of the fact that everybody here knows that each Member is striving to have certain expenditures which affect their electorate, which they should have, I am not criticising them for that, then they should try to assist unanimously this Government with producing the revenue that is necessary to fulfil these demands. I think that nothing is more damaging than for people to stand in this House and say that we are going to end up with a recession tomorrow or in the near future. This has got to be damaging to the economy and quite frankly, if you wish something long enough sooner or later it probably will happen because one's mind is strained along these lines. So I think Members should try to be optimistic whether they basically like or appreciate this Government they should try to do what is in the interest of the country. And I would hope that there is nobody within this Island or within this House who are basically gunning out there and constituting nuisances. This is one of the last things we need at this stage.

So I would just remind Members that they have a duty to their people. That duty, in this instance, is not directly affecting our people in any way. It is an orthodox way of raising money as it has been in the past. Nobody has produced any other solution to these new ideas on how to raise money. I would be happy, quite frankly, if somebody could come forward with something else reasonable and by all means we would look at it. But with the absence of any solution and with the understanding as the Honourable Financial Secretary mentioned, that we

HON. THOMAS M. DOBSON (CONSTITUENCY): suffer from inflation like other countries, expenditure will of necessity increase, then they should support measures such as this rather than endeavouring to block them. And if they follow the words of President Roosevelt and they believe that the only limit to our realization of tomorrow will be our doubts of today, they will say we have a good country, a good economy and that this is a good measure which is in the interest of our people and they will vote for it.

Thank you.

MR. DENSON C. BRANCH: Mr. President, I have a couple of problems with this Bill. The first is I do not believe in increasing revenue unless I know that it is necessary and unless I can see where it is going to be spent. I can appreciate the considerations that caused, or some of the considerations that caused Government to bring this Bill early, that is the necessity to allow persons dealing with off-shore companies and the like, exempted companies and even ordinary companies and local companies, to know what the fees are going to be next year. But I must say that when I received this Bill it came as somewhat a shock because since I have been in this House I have been led to believe, that is on this occasion, that taxes would never have need to be increased again. That is taxes of any kind. I remember, I think the phraseology used was that in economic miracle had been created in Cayman and it was something that would not be needed again, could not be done again, but that everything was milk and honey.

Now, I know really what the day of reckoning was coming, but I am still saying that I would be much more happy if we were dealing with these revenue measures in an atmosphere where we knew what the money was required for and, in fact, that the money was required. Because I am still hearing some forked tongue that we do not need the money, but we should get it while we win or something like this. And then we are also hearing that if we do not support these measures we will not have the money to get what we want for our constituencies. So I have the problem of satisfying myself that these increases are justified and necessary.

As a Member before said, I do not believe that the amounts involved are sufficient to price us out of the market place at this time, nevertheless I have to agree with those who also commented against timing of increases. And I would hope, Mr. President, that the mover of this Bill in winding it up will be able to give us some more information as to the necessity for these increases to meet the projected budget for 1982. I cannot see how it would be needed for 1981 and, in fact, it would not be effective until 1982, so we are in fact talking about the 1982 budget.

And I must also support those Members who have said that there are two ways of balancing a budget - that is increasing revenue or decreasing expenditure and I think we is justified in calling attention to saving on expenditure particularly when we have just, within the last couple of weeks, voted against a measure which we considered unnecessary and extravagant. And I for one can sense right now that when it comes up in the budget again will be fighting that expenditure. And I would hope that these particular increases we are dealing with today are not in any way being imposed to meet those particular expenditures that I am referring to.

I suppose this is merely a typographical error, Mr. President, but as far as I am ascertain in section 4 the figure 300 should in fact be 375 and the increase would be from $75 to $25, that is the annual fee for exempted companies.

I am only, in closing, Mr. President, ask the mover of this Bill in winding up if he could elaborate and give the justifications for these increases.

I thank you, Mr. President.

CAPT. HUBERT E. KIRKCONNELL: Mr. President, I rise this evening before we today on a rather simple Bill. I fully realize world inflation has caused everything to go up and I think our values are in line with other territories and like other speakers have said, I sincerely hope as we go into the Budget Session that we will consider reducing our expenditure wherever necessary and that we will not have to be called upon to increase taxes in where it would get out of line with other territories which we compete with.

Our prosperity here is enjoyed by all and it is my hope that all the Honourable Members of this House will do everything within their power to keep this happy situation going for many years to come. But I find that I can support this amendment, Mr. President. Thank you.

HON. JAMES M. DAWSON: Mr. President, the Bill before us today is a very simple one calling for very small increases in this particular area. It is time that this is one of the corner stones of our economy and we must be very careful with this as well as similar laws that they never get out of line.

One of the Members speaking a while ago said that he had been under a delusion again in figuring that they would never have to increase taxes in the future. Well a better course in economics would teach you that world inflation alone will justify an increase in your different taxes as you go along.

One Member also said that he would not support it unless he knew where the money was being spent and the justification for the increase. Mr. President, from time to time we pass a lot of laws in this Assembly. We increase the revenue from time to time that revenues to Government under these laws and I know of no occasion in the past when any justification has been given as to where this money was going to be spent at that time. Mr. President, you do not only increase taxes to spend more money, but you can also increase taxes to try to save one and to increase the amount of money which the Government has in reserve.

Thank you.

MR. PRESIDENT: Is any other Members wish to speak? I will ask the Honourable mover if he wishes to sum up.

HON. V. F. JOHNSON: Mr. President, some strong words have been used in opposing this Bill by certain Members and I can say, Mr. President, that without the proper grounds and reasons for requesting additional revenue in the new year, Members would find it difficult to consider the Bill. However, I did mention in my presentation of this Bill that Government would not attempt to put forward new measures unless there was a need to do so.

It is unfortunate that at this particular time I cannot give the details of that budget which would support the revenue before us. The exercise has been going on for the past month to decide on what the figures would be for 1985. As is very much the case in the past we have to use all the costing implements available to us to trim and cut as we go along. This has been so in this case from the new year and it was only when it was evident and it was clear to Government that supplementation of the 1984 income would be necessary to meet the expenditure as proposed, many of them in reduced form, that steps were taken to consider new measures of taxation.

I agree, Mr. President, that we need to guard our present economy, especially the economy provided by the Cooperative Industries because there are many low income earners around the world. We are very fortunate to be a stable area, attractive area, an area providing the necessary laws and facilities to attract the sort of business we have received and are receiving. And the measures which are being proposed would, in my opinion, not place any undue hardship on those who have to pay. In fact, Mr. President, the international operators were

HON. V.G.JOHNSON (CONTINUING): supporting that some form of taxation would be introduced in these areas. We have had calls at the office. People enquiring what the position would be in 1982 and if there were plans to increase these measures if we could kindly let them know what the figure would be as they would like to know well in advance - not to grab the island, but to be sure that they provide the necessary funds at the appropriate time.

The rumour, Mr. President, of $60 million for 1982 is unfounded I can assure the Members. Government is very concerned of the type of taxation which is introduced. Every care and caution is exercised to ensure that we do not upset the status quo: A lot of research is put into any measure which is proposed to ensure that those who will be affected will not be upset by their introduction.

Mention was made of the stamp duty Tax, mention was made of the banks and trust companies licence fee. Much care and caution has been taken in these areas. We are aware of the operation of the International Banking facilities in New York and in many other states of the United States. In fact, in the last Budget Address I made mention of this and advised that we should take every precaution against this facility, or these facilities, which are being introduced as a direct opposition to the tax haven operation.

Mr. President, I am sorry that at this time I cannot divulge to this honourable House the forecast for 1982. Members, I would submit, are concerned and we acknowledge that because of this, because we are not able to put forward that position and I would hope that they will understand the position and will take into consideration the reason why this Bill is being introduced early in advance of the Budget Session. I can give my assurance that the money will be needed if we are to go forward with a balanced budget. That is about all the assurance that I can give, Mr. President.

The figure that was mentioned by the Honourable Member for West Bay, section 5, was quite correct. The $565 should read $375 instead and I would seek that amendment when we go into Committee to consider the Bill.

Mr. President, a Member said that we should be cautious about introducing revenue at this time because we are in a world recession situation. A few years ago the world went into recession; I cannot recall that time the situation has changed very much because every year I read about a world recession and year by year there is a world recession, whether we feel the effect of it or not. We have been very fortunate that those recessions have not affected us or not very much because we have been in a boom situation for the last three years. It does not mean that this boom situation will continue for ever. There is a cycle. It is said that as sure as the night follows the day that a recession will follow a boom. The exact cycle is what puzzles even the best economist in the world. So, I agree with Members that we must watch this even though the Cayman Islands are booming while the world is in recession.

But, Mr. President, the need of Government must be given much consideration from time to time and whether there is a boom situation or a recession, we must find means and ways of improving the Government's income from time to time to meet the overhead cost. These measures are paid largely by foreign institutions operating here. They are aware of the charges in the various tax havens and financial centres. We have watched this over the year and endeavour at all times not to price ourselves out of the market.

HON. V. C. JOBANSON (CONTINUING): What increase we present here, as I said, will be paid largely by the foreign institutions because the operation here is facilitating the international operation and I am sure that they are all prepared, as time goes on, to make their contribution to the upkeep of this Government and this country. They are the people making the big profits out of the operation based here. A bit of it is ploughed off locally in the various facets of the economy and we are very grateful for this. I am sure it will continue, but the bit of taxation which we impose and which we expect them to pay, I am sure they do so willingly. I have never heard any of them raise any objection to these measures because they are quite aware that in order for the Government machinery to be kept going to provide the services which they expect from this country, that they must make a contribution to it. This has always been their attitude and I am sure that in this case that attitude will be no different.

Mr. President, I can assure the Honourable Members here that as far as the public is concerned and as far as the industries are concerned there will be absolutely no objection to these measures. If Members will not accept that, I am sure they can have it for themselves. I have talked with many people in the industry, locally and internationally, and I know what their attitude is. I know that they will support these measures rather than to raise any objection against them.

And so, Mr. President, I would ask the Honourable Members here to consider the proposal and to remove from their minds any indication that they might have that the Government is introducing these measures because of what you heard said some time ago that we do not need the money, but because times are good we can raise it. The Government has never entered into that sort of policy or attitude. Anything that is introduced here is required by the services of Government.

I would therefore ask Members to give the Bill their support.

Thank you, Sir.

MR. PRESIDENT: The question is that a Bill intituled The Companies (Amendment) Bill, 1981, be now read a second time. I shall put the question.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I THINK THE AYES HAVE IT.

BILL GIVEN A SECOND READING AND PASSED.

## THE TAX COLLECTION (AMENDMENT) BILL, 1981

### FIRST READING

CLERK: The Tax Collection (Amendment) Bill, 1981.

MR. PRESIDENT: A Bill intituled The Tax Collection (Amendment) Bill, 1981 is deemed to have been read the first time and is set down for a second reading.

CLERK: The Tax Collection (Amendment) Bill, 1981.

MR. PRESIDENT: I think this might be an appropriate time to suspend for ten minutes.

AT 4.40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:10 P.M.

MR. PRESIDENT: Please be seated.
Proceed with the second reading of The Tax Collection (Amendment) Bill, 1981.

SECOND READING

CLERK: The Tax Collection (Amendment) Bill, 1981.

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, the second reading of a Bill entitled The Tax Collection (Amendment) Bill, 1981.
Mr. President, this is a similar Bill to the one we have just dealt with amending the Companies Law to increase fees. This Bill is amending the Tax Collection Law to increase the fees payable by vessels registered in the Cayman Islands.
The proposal is to impose a fee on all vessels not exceeding 400 gross tons, $10. There is a small error, Mr. President, in those figures which I would seek to amend when we get to the Committee stage. The Annual Fees under this Law were not amended when it was at per ton and the other fees, that is to say, not exceeding 200 gross tons, 30%, was not amended since four years ago and so it was thought that the opportunity should be taken now to amend this bill which would produce approximately $14,000.
Mr. President, I recommend the Bill to Honourable Members and hope that they will support it and so I move the second reading of this Bill.

MR. PRESIDENT: The question is that a Bill intituled The Tax Collection (Amendment) Bill, 1981 be now read a second time.
The motion is open for debate.
Does any Member wish to speak to the motion? If not I will put the question?

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: THE AYES HAVE IT.

BILL GIVEN A SECOND READING AND PASSED.

MR. PRESIDENT: The Assembly will now resolve into Committee.

COMMITTEE RECESS

MR. CHAIRMAN: The Assembly is in Committee We shall first go a Bill intituled The Prisons (Amendment) (No.2) Bill, 1981.

THE PRISONS (AMENDMENT) (NO.2) BILL, 1981

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

MR. BENSON O. EDWARDS: Mr. Chairman, this is where I had the question as to whether the order bringing the law into force would have to state the different days on which the different provisions would come into force. I have a little difficulty with "by order appointed" and then it goes on to say "any such order".

HON. DENNIS E. FOSTER: Mr. Chairman, you can have any number of orders, Sir, the singular includes the plural. I am told by the Legal Department it is quite in order how it is.

MR. BENSON O. EDWARDS: But surely you would only have one order bringing the Law into force. This is what to say.

HON. DENNIS E. FOSTER: Yes, but the one order might bring into force a special section and then later on you can have another order to bring another section in as you need them.

MR. BENSON O. EDWARDS: If the Legal Department is satisfied that this will not lead to any problems I will not belabour the point, Sir.

HON. D. K. RANNICK: We are satisfied, Sir, it is quite a normal provision.

MR. BENSON O. EDWARDS: I know that the provision of bringing different parts of a law into effect on different days is not novel. In fact, our Constitution is one such Bill, but in that, as I see it, it was clear how each section would come into effect. This one just seems a bit nebulous, but if the Legal Department is satisfied that this is not going to cause any problems in the future, I will not belabour the point.

MR. CHAIRMAN: I will put the question.

QUESTION PUT: AYES 8 NOES.

MR. CHAIRMAN: THE AYES HAVE IT.

CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF LAW IS OF 1976.

Mr. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

MR. BENSON O. EDWARDS: Again, Mr. Chairman, I notice that this section is deleting from section 2 which is the interpretation section of the old law, the definition of Governor General - yet it is retained in section 23 which is amended by section 10 of this Bill. Section 23 of the old law is amended by section 10 of this Law.

HON. D. K. RANNICK: It is accepted, Sir, that there may be some of these sections which will have to be coupled with others as far as the coming into force provisions are concerned.

MR. BENSON O. EDWARDS: I am afraid I did not get the answer to that.

HON. D. K RANNICK: It is accepted, Sir, that in bringing these provisions into operation, it may be that certain of these sections are inevitably coupled together. Because there are fourteen separate sections, it does not mean there are going to be fourteen different orders. In preparing the Law, the various amendments that

HON. D. K. DAWICK (CONTINUING): are necessary have been put in the same numerical sequence as they appear in the main provision and it may be that sections 8 and 13 have to be brought in together to make the thing logical and lawful or that 2, 8 and 13 will all have to come on the same day. We accept that.....

MR. BENSON O. EBANKS: I accept that, the only thing I am saying is that it appears that section 10, by the way it is being amended, is intended to be used or remain in use for some time. And "Governor-General" is used in that section - section 8A. So why then are we deleting the definition of it from section 2 of the Law? If you are re-numbering section 23.....

HON. D. K. DAWICK: As long as the word is retained in the Law, then the definition section will remain somewhat as that 10 must inevitably precede 2.

CAPT. CHARLES L. KIRKCONNELL: But certainly we are dealing with two different countries. We have a Governor and Jamaica a Governor-General and the Governor-General of Jamaica cannot issue an order that would be legal here and vice versa neither can our Governor issue an order that would be legal in Jamaica. And I think what the Member from West Bay said is correct that Governor-General should remain in this thing until this section is deleted.

HON. TRUMAN M. BODDEN: Mr. Chairman, if I may just add, it is completely irrelevant what part of section 2 the definition or the deletion is. So, provided at this stage, it is logical as to where it is going to be amended then I do not really see too big a problem.

MR. CHAIRMAN: If there is no further debate, I will put the question.

MR. BENSON O. EBANKS: I thought there was some discussion going on on the point, Mr. President, because I did have another point to ask on this and that is we are ..... That will come when we get to section 10, Sir.

MR. CHAIRMAN: I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. REPEAL OF SECTION 16.

MR. CHAIRMAN: The question is that Clause 3 stand part of the Bill.

If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. REPEAL OF SECTION 17.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill.

I will put the question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. SUBSTITUTION OF SECTION 18.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill.

HON. DENNIS H. FOSTER: Mr. Chairman, there is a little amendment there on line 6. It has "of in the" at the end of the line - it should be "on" instead of "of". This is typographical.

MR. CHAIRMAN: The correction can be made at the table.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, in line 6, Sir, I know it follows the other Law - it says "designated aircraft". What would happen if we had an airfield where an aircraft would land and we needed to send a prisoner in downlist? If we had the word "vessel", that would cover both ship and aircraft. Could we not think about changing that "designated aircraft" to "designated vessel"?

HON. DENNIS H. FOSTER: Mr. Chairman, we would have no objection to saying "vessel or aircraft" I would suggest.....

CAPT. CHARLES L. KIRKCONNELL: I think in the interpretation, does vessel not cover aircraft as well?

HON. DENNIS H. FOSTER: We do not have it in this present Law.

CAPT. CHARLES L. KIRKCONNELL: Well, add the word "vessel". You would be safe.

HON. DENNIS H. FOSTER: Yes, "vessel or aircraft".

MR. CHAIRMAN: Are Members happy with that adjustment without moving a formal amendment?

HON. DENNIS H. FOSTER: Yes, Sir, "vessel or aircraft".

MR. CHAIRMAN: That change will be made at the Table. "Vessel or aircraft" in line 6 of the amendment.
I will put the question that Clause 5 with two minor changes stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 AS AMENDED PASSED.

CLERK. CLAUSE 6. REPEAL OF SECTION 19.

MR. CHAIRMAN: The question is that Clause 6 do stand part of the Bill.
I will put the question.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. REPEAL OF SECTION 20.

MR. CHAIRMAN: The question is that Clause 7 do stand part of the Bill.

HON. DENNIS H. FOSTER: A little spelling error that can be corrected here at the Table too, Sir, - "principal".

MR. CHAIRMAN: The change will be made at the Table.
I will put the question.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. REPEAL OF SECTION 21.

MR. CHAIRMAN: The question is that Clause 8 do stand part of the Bill.

If there is no debate, I will put the question.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. AMENDMENT OF SECTION 22.

MR. CHAIRMAN: The question is that Clause 9 do stand part of the Bill.

MR. BENSON O. SAUNDERS: Does this mean that we will now make provisions for execution of the death sentence within our own shores?

HON. DENNIS A. FOSTER: At least it will make it possible, which I do not think will be a bad thing.

CAPT. CHARLES L. KIRKCONNELL: I think it may be more effective if we do.

MR. CHAIRMAN: I will put the question.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. AMENDMENT OF SECTION 23.

MR. CHAIRMAN: The question is that Clause 10 do stand part of the Bill.

MR. BENSON O. SAUNDERS: Mr. Chairman, the question that I have here is, I would presume that the original Law is worded in the way that it would be lawful for the Governor-General. I presume it was so worded because the Governor-General, under the Imprisonment Law or whatever regulations govern prisons in Jamaica, was obviously the only person who could order the release of a person from a Jamaican prison. I am wondering whether, and here we are seeking to insert Governor, which I presume to mean the Governor of the Cayman Islands or the Governor in Council of the Cayman Islands, is this going to really be workable since the Governor the Cayman Islands can issue an order to the prison authorities in Jamaica to release someone?

HON. D. H. BARWICK: I am advised, sir, that the view is that as the original order is issued by the Governor here, he will be able to countermand that order and that it will be given effect to administratively by the prison authorities in Jamaica.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, we are having difficulty hearing what the Second Official Member said. I wonder if he could repeat please?

HON. D. H. BARWICK: The view is that as the original order was made by His Excellency the Governor here for his detention and for his transferring to Jamaica to serve his sentence there, that similarly an order countermanding the first order will be legally effective and will be carried out administratively by the authorities in Jamaica.

MR. CHAIRMAN: If there is no further debate I will put the question.

MR. BENSON O. PEARCE: I would only point out that I use the thought that in operating that the power to give has the power to take away. But, it says that the warrant says that once he is remanded he is there to be treated in all respects as if he had been a prisoner under a sentence imposed by a court of competent jurisdiction in Jamaica and I am wondering if that is not why the Governor General is the person to give the order and maybe we could enquire.

HON. D.M. BARRICK. Yes, that provision is in the law, Sir, it is perfectly true. That deals rather with treatment than lawfulness of detention and the section that we are seeking to amend does not deal with the return of the prisoner at the end of his sentence, it is a question of transferring prisoners to serve the remainder of their sentence.

MR. BENSON O. PEARCE: If you are happy, I am.

MR. CHAIRMAN: I will put the question.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. REPEAL OF SECTION 24

MR. CHAIRMAN: The question is that Clause 11 do stand part of the Bill. If there are no speakers, I will put the question.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. REPEAL OF SECTION 28.

MR. CHAIRMAN: The question is that Clause 12 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

CLERK: CLAUSE 13. AMENDMENT OF SECTION 29.

MR. CHAIRMAN: The question is that Clause 13 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

CLERK: CLAUSE 14. REPEAL OF SECTION 41.

MR. CHAIRMAN: The question is that Clause 14 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: A BILL FOR A LAW TO FURTHER AMEND THE PRISON LAW (LAW 14 OF 1976).

MR. CHAIRMAN: The question is that the Title do stand part of the Bill. I will put the question

QUESTION PUT: AGREED. THE TITLE WAS PASSED

MR. CHAIRMAN: That concludes examination of a Bill entitled The Prisons (Amendment) (No. 2) Bill, 1981.

At this point I have to interrupt business and resume proceedings in the Assembly.

ADJOURNMENT

MOVED BY: HON. DENNIS H. FOSTER.

QUESTION PUT: AGREED. AT 4:37 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. 13TH OCTOBER, 1981.

FOURTH MEETING OF THE (1961) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON TUESDAY, 13TH OCTOBER

1961

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CMG, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS H BOSTAN, CBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS |
| HON DAVID B DARWICK, CBE, QC | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON VANSEL C JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| *HON JOHN D HOLMAN | MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES |
| HON THOMAS M BODDEN | MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM CIVIL AVIATION AND TRADE |
| **HON S MAIR BODDEN | MEMBER FOR COMMUNICATIONS & WORKS |

ELECTED MEMBERS

| | |
|---|---|
| MR GARSTON J SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR D WILMOTH EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR HERBERT O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR W NORMAN BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HUTCAH BODDEN, CBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MARY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR CRADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF NORTH SIDE |

* ABSENT - ATTENDING CCA CONFERENCE (FIJI)
** ABSENT

ORDERS OF THE DAY
FOURTH MEETING OF THE (1981) SESSION OF THE
LEGISLATIVE ASSEMBLY

TUESDAY, 13TH OCTOBER, 1981

1. QUESTIONS:

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 57: Will Government state the number of indigent persons who are presently receiving aid from Government and the amount per month paid to each individual and/or family?

NO. 62: Will consideration be given to having the Misuse of Drugs Law amended to include in the prohibited drugs, a certain substance which was recently found in possession of persons who were arrested and ultimately released as this particular substance was not listed as a prohibited drug?

MR D DALMAIN PHARAY OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 58: Will the Member state:

(a) When it is expected that the new coast guard boat will be put in operation,

(b) If a new crew is being recruited and the number?

3. GOVERNMENT BUSINESS:

(1) BILLS

COMMITTEE THEREON

(i) The Liquor Licensing (Amendment) Bill, 1981
(ii) The Music and Dancing (Control) (Amendment) Bill, 1981
(iii) The Companies (Amendment) Bill, 1981
(iv) The Tax Collection (Amendment) Bill, 1981

THIRD READING

(i) The Prisons (Amendment) (No.2) Bill, 1981
(ii) The Liquor Licensing (Amendment) (No.2) Bill, 1981
(iii) The Music and Dancing (Control) (Amendment) Bill, 1981
(iv) The Companies (Amendment) Bill, 1981
(v) The Tax Collection (Amendment) Bill, 1981

(ii) GOVERNMENT MOTION NO. 8

DEVELOPMENT PLAN 1977 RESOLUTION FOR AMENDMENT
TO BE MOVED BY THE HONOURABLE SECOND ELECTED MEMBER

SUSPENSION OF STANDING ORDER 24(6)

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TUESDAY 13TH OCTOBER, 1981

10:00 A.M.

QUESTIONS

MR. PRESIDENT: Proceedings are resumed.

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 51 Will Government state the number of indigent persons who are presently receiving aid from Government and the amount per month paid to each individual and/or family?

ANSWER:

At present there are eighty eight (88) persons receiving financial assistance amounting to $2,780.00 per month on a monthly average of $42.73 per case with a minimum benefit of $30.00 per month, ranging to a maximum benefit of $50.00 per month.

There are 2 cases receiving assistance at $30.00 per month.
13 " " " " $35.00 " "
13 " " " " $40.00 " "
55 " " " " $45.00 " "
5 " " " " $50.00 " "

In addition each recipient receives free medical care, including hospitalization as well as other ancillary services such as dental and optometry when need is established.

Within the area of child care and protection, there are six (6) families with dependent children receiving a total of $280.00 per month. In addition other in-kind benefits are received in the form of school uniforms, school lunches, and books when need is established. There are presently forty five (45) students receiving free school lunches potentially amounting to $900.00 per month depending on the school attendance of each student.

SUPPLEMENTARIES:

MISS ANNIE R. BODDEN: Mr. President, with your permission, I should like to ask a supplementary question. Could it be possible that among this group here there are one or two people who are presently at Holiday Inn and still receiving financial aid from Government?

HON. TRUMAN M. BODDEN: I think that the Lady Member is asking me to express an opinion which I need not express, and quite frankly there is no way of my knowing that. If she knows of somebody who is receiving it working there, then I think it is her civic duty to report it. But under Standing Orders 22 (1) (e) questions shall not contain argument, inference, opinion, imputation or tendentious epithets, or ironical or offensive expressions.

MR. PRESIDENT: The point of order is correct.

MISS ANNIE R. BODDEN: Mr. President, not everything I consider my duty that I am going to do.

CAPT. HARRY S. KIRKCONNELL: Mr. President, a supplementary. Would the Member please state if this includes people in Cayman Brac and Little Cayman?

HON. TRUMAN M. BODDEN: It does not.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, a supplementary Sir. Are the people who are receiving aid, how are they being processed, and by whom?

HON. TRUMAN M. BODDEN: Mr. President, an application form which is partly in accordance with the Social Services policies that contains four foolscap pages is filled out then a person within the Social Services Department goes through it and most of the time they actually interview the person, and after that a decision is made as to the extent of the applicant's means, whether they should be granted aid, and if so the extent of that aid, and at that stage then the Senior Probation and Welfare Officer confirms and the matter goes down for payment to the Treasury.

MR. CRADDOCK BANKS: Mr. President, a supplementary. If it is being brought to the notice of the Member, that people working and still drawing should not, the Member then attempt to make investigations in this.

HON. TRUMAN M. BODDEN: If I am given prima facie evidence that this is happening, I will have that specific case investigated. However at this stage we have what is a common problem within our society in that people have information, and for reasons many times personal to themselves, they are not prepared to give it up, and this is very unfortunate because in instances like this as well as in criminal matters very important information is kept back for personal reasons. I think it is a civic duty if you know of someone that is doing this so that we know, because it would be a fishing exhibition to go out and review every case, and all that they are working some place when they are not, because these people do have their pride, and I would say that the majority of them are honest, and despite the fact that cases are reported periodically in accordance with the policies, there would well be people that are not going in accordance with those guide-lines, and I would happily review or go into any case; but I need to have some prima facie evidence, because these people do have pride, and I do not want to approach them and allege something only to find out I had another one of those "mind reader's remarks".

MR. SPEAKER: If there are no further supplementaries we can move on to the next question.

MISS ANNIE HULANA BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 62: Will consideration be given to having the Misuse of Drugs Law amended to include in the prohibited drugs, a certain substance which was recently found in possession of persons who were arrested and ultimately released as this particular substance was not listed as a prohibited drug?

ANSWER:

Consideration was already being given to the inclusion of such a substance when the Lady Member's question was received.

MR. SPEAKER: If there are no supplementaries we can take the last question.

MR D. DALMAIN EBANKS OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 53: Will the Member state:

(a) When it is expected that the new coast guard boat will be put in operation.

(b) If a new crew is being recruited and the number.

ANSWER:

(a) The new police boat "Sea Hunt" will formally be handed to the police by His Excellency The Governor at 11:15 a.m. on Thursday the 15th October, 1981.

(b) Captain Lauriben Ebanks the present officer in charge of the police boats will be the Captain of the "Sea Hunt". Two seamen already exist for the police boats but in the 1982 Budget an application has been made for four seamen and an Allan/mechanic. It is intended to have the police boats available on a twenty-four hour, seven day a week basis and to undertake patrols including the sister Islands as and when necessary and at irregular times.

MISS ANNIE R. HUDSON: Mr. President, with permission, I should like to ask a supplementary question. Is this coast guard boat armed what I mean to say does it have guns etc. as such.

HON. D. H. FOSTER: Mr. President, the boat will be armed fore and aft as a deterrent as well as being able to approach other vessels with some degree of safety.

MR. D. DALMAIN EBANKS: Mr. President, a supplementary. Can the Member say whether any consideration was given or thought was given of employing somebody that has experience or naval training in patrol duty or something like that.

HON. D. H. FOSTER: Mr. President, the crew have to be appointed to the Police Force to have the necessary powers when they go out. They are also re-enforced by other sections of the Force. We have been able to employ what we could sort of get and recruit, and as near to what can serve our purpose in the best way, Sir.

CAPT. CHARLES L. KIRKCONNELL: Supplementary Mr. President, the Member just mentioned Sir, that this police boat would be armed fore and aft. I wonder if the structural strength of this boat has been tested. If it has not I would strongly suggest that the structural strength be checked before any guns are mounted on decks. Could the Member please state whether this has been checked?

HON. D. H. FOSTER: I am not sure Sir, whether this has been checked, but the point is well taken, and we will surely see to it that it is structurally sound to take them.

MR. D. DALMAIN EBANKS: Supplementary.....

HON. D. H. FOSTER: To further answer the Member's question Sir, I am informed by the Commissioner that the weapons that we are using have no vibration as such, they are not heavy calibre stuff so there will not be any problem there Sir.

MR. D. DALMAIN EBANKS: Supplementary Mr. President, could the Member say how heavy calibre gun that they will be using on this boat?

HON. D. H. FOSTER: It is a rapid fire 303 Sir.

MR. D. DALMAIN EBANKS: Supplementary Sir. Would this 303 be machine gun or rifle?

HON. D. H. FOSTER: I think it is a type of Lewis-gun, Sir.

MR. D. DALMAIN EBANKS: Will the crew be trained in handling these guns.

HON. D. H. FOSTER: Yes Sir, I am sure they will be Sir.

MR. PRESIDENT: If there are no further supplementaries we will take question time to be at an end, and the Assembly will resolve into Committee.

## HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in Committee. We deal first with a Law Entitled The Liquor Licensing (Amendment) (No. 2) Law, 1981.

## THE LIQUOR LICENSING (AMENDMENT) (NO.2) LAW, 1981

## COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill. If there is no debate I will put the question

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 6 OF LAW 11 OF 1974.

MR CHAIRMAN: The question is that clause 2 do stand part of the Bill. If there are no speakers I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 10.

MR. CHAIRMAN: The question is that clause 3 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 12.

MR. CHAIRMAN: The question is that clause 4 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. INSERTION OF NEW SECTION 14A.

MR. CHAIRMAN: The question is that clause 5 do stand part of the Bill.

QUESTION PROPOUNDED:

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, on the fifth line Sir, in temporary licences 14A (1), I am suggesting we make an amendment. After Gazette the word "or" to change that to "and" so that the notice will be printed both in the Gazette and the paper, and also Sir, in section 2 I am suggesting that the words "by the same applicant" be added after "more than once by the same applicant", and the reason for this second amendment Sir, it would not be fair if persons purchased (as I said yesterday) purchased this property and the previous owners had neglected to renew their liquor license, and the new owners would not be able to get a license before two years. I would ask the Second Official Member if he would draw up a proper amendment Sir.

HON. D. R. DARWICK: I had one observation Sir, that may help the House in thinking about the first of the honourable Member's proposals. That these temporary licences are intended to assist people in cases of hardship between the quarterly meetings of the Board, and that if the first of the two proposals was adopted it could mean that the emergency arises immediately after the publication of one Gazette, it would then be a fortnight before the notice could be published, it would then be another fourteen days before the Board could deal with the application. So that it could mean that out of the three month period the first month would be lost immediately anyway, and that to some extent that the evil which this little measure is seeking to cure would not be cured quite as quickly as it might be. I think fourteen days notice to the public in either of those forms, I think in the circumstances of this particular license would be regarded as adequate, because the license cannot last for more than two and a half months at the most, and they would be renewed as a full and formal application at the next sitting of the Licensing Board. I think in any event a full application only requires twenty one days notice, they and only observations Sir, I have not a position on that particular amendment, and I think on far as the second one is concerned Sir, if there was reference to the licensee rather than the applicant that it would be two months.....

CAPT. CHARLES L. KIRKCONNELL: You mean premises

HON. D. R. DARWICK: Yes, no application shall be made more than once in every two years by the same licensee rather than that.

CAPT. CHARLES L. KIRKCONNELL: I say that would suffice.

HON. D. R. DARWICK: The news-papers are daily now Sir, which I think is a consideration in this particular case, and I understand that the Government Bench has no objection to the second of the two amendments.

MR. CHADDOCK EBANKS: Mr. Chairman, would any temporary license be granted to any premises that before the Board came to consider this temporary application.

HON. JAMES M. BODDEN: Mr. Chairman, there is a section of the Law dealing with temporary licenses now, we are dealing with two categories of temporary licencee under this amendment. The other one is in the Law now does give discretion to the Chairman to grant temporary licenses and report them at the next quarterly meeting of the Board.

MR. CRADDOCK MANNER: Mr. Chairman, these temporary licences for specific purposes for functions to raise money for special reasons and occasions, and I do not see where that temporary licensing and a temporary license be granted before the Board meets to a hotel or something of that sort, because that is not going business in aid for the school, or the Social Service or the Church or anything else Sir. It is a difference in the two of them, and they should not go together.

HON. JAMES M. BODDEN: Mr. Chairman, the Member is the Deputy Chairman of the Licensing Board and if he sees fit to contest this and can get enough to agree with him they can upset what I have done as Chairman of that Board at the next meeting. But the point he is raising I think is immaterial in one respect, because the temporary licenses that have been granted are for special occasions, for instance the cruise ships, the cruise ships traditionally for years and years have been going and the tickets are sold on that basis to a certain hotel in the Cayman Islands.

Now when we disembark five or six hundred cruise ship passengers to a hotel, and naturally all of them are not going to be god-fearing tea totallers and they go there and expect to get a drink with a meal then how do we look. So I think there are very many justifiable reasons for the action that I have taken, and if the Member thinks it is wrong he has his chance at the next meeting of the Board to contest it.

MR. CHAIRMAN: Would somebody like to move the amendment formally, perhaps the Commissioner Member.

HON. JAMES M. BODDEN: Mr. Chairman, I will move the amendment, I would point out that while drafting these amendments of this nature should be circulated two days in advance so we would have a chance to correctly deal with it, but I am quite prepared to accept the amendment proposed by the Honourable Member from Cayman Brac and agreed to by the Attorney General on sub-section 5 (6) changing 'premises' to "Licensee".

MR. CHAIRMAN: Would the Honourable Attorney General please guide us on the exact wording of the amendment. The amendment proposed is to insert the words "by the same Licensee" after "grant" in the final line of sub-clause 5 at the end of the Board. "No application should be made more than once in every two years by the same Licensee in respect of the same premises".

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, the first amendment Sir, do you not think that we should include "and" after "Gazette" so that the notice would be published in the Gazette and also in the paper. I know the Second Official Member mentioned that, but very few people get the Gazette, whereas they buy paper. I know it is a choice here, but if they put it in both then there would be no excuse or nobody could say they had not been advised.

HON. JAMES M. BODDEN: Mr. Chairman, as it is worded now, we have the option of either putting it in the Gazette or in a news paper, and I think a point to be considered here is that if the Gazette is at certain stated times, whereas the news papers is everyday at the present time, so if it is left this way we do not have to wait until the Gazette, we could publish it in a news-paper say in two or three days time, and whichever one we do would be legal.

CAPT. CHARLES L. KIRKCONNELL: I agree with that Mr. Chairman.

MR. CHAIRMAN: Well it seems that we are down to the amendment, that is that sub-clause 4 should be amended by inserting the words "by the same Licensee" between the words "years" and "on" in the final line. We will vote on the amendment first.

QUESTION PUT: AGREED.

MR. CHAIRMAN: We will now take the question that clause 3 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 AS AMENDED PASSED.

CLERK: A LAW TO AMEND THE LIQUOR LICENSING LAW 1974.

MR. CHAIRMAN: The question is that the title do stand part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of a Bill intituled "The Liquor Licensing Law (Amendment) (No. 2), 1981". We turn next to a Bill intituled "The Music and Dancing (Con rol) (Amendment) Law, 1981".

THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 1981

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 4 OF LAW 19 OF 1977.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 5.

MR. CHAIRMAN: The question is that clause 3 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 8.

MR. CHAIRMAN: The question is that clause 4 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 6. AMENDMENT TO SCHEDULE.

MR. CHAIRMAN: The question is that clause 6 do stand part of the Bill. If there are no speakers I will put the question.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK. A LAW TO AMEND THE MUSIC AND DANCING (CONTROL) LAW, 1977.

MR. CHAIRMAN: The question is that the title do stand part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of a law entitled "the Music and Dancing (Control) (Amendment) Law, 1981". The next Bill for examination is a Bill intituled "The Companies (Amendment) Law, 1981".

THE COMPANIES (AMENDMENT) LAW, 1981
COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE AND DATE OF COMMENCEMENT.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK. CLAUSE 2. AMENDMENT OF SECTION 25 OF PRINCIPAL LAW.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 38.

MR. CHAIRMAN: The question is that clause 3 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK. CLAUSE 4. AMENDMENT OF SECTION 183.

MR. CHAIRMAN: The question is that clause 4 do stand part of the Bill. If there are no speakers I will put the question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 187.

MR. CHAIRMAN: The question is that clause 5 do stand part of the Bill.

QUESTION PROPOSED:

MISS LUCIA M. HUDSON: Mr. Chairman, I would suggest Sir, that in section 5 where we have "$425.00", I would say that this be increased to "$475.00" I mean an exempted company as far as I know is very important and the small increase of only $50.00, because actually this "$425.00" should be "$375.00" as I know you have to pay now, and I feel that $100.00 increase would be a sort of reasonable figure. I think the

MISS ANNIE H. BOTHEN (CONTINUING): "3365.00" is a mistake, as far as I know it should be "3375.00".

HON. V. C. JOHNSON: Mr. Chairman, I think the lady Member for moving those amendments. I was going to do so myself. The "3365.00" is a typographical error, in fact it would have been "3375.00". The question of increasing "3350.00" to "3375.00" is also valid and it follows the same trend as all the other increases in the various other sections.

MR. CHAIRMAN: It has been proposed that section 5 be amended by substituting the figures " 475." for " 425." as printed, and the correction will be made at the Table to correct " 3ab." into " 375.".

QUESTION PUT: AGREED. CLAUSE 5 AS AMENDED PASSED.

MR. CHAIRMAN: The question is that clause 6 be amended to stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 AS AMENDED PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 105.

MR. CHAIRMAN: The question is that clause 6 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. AMENDMENT OF SECTION XXX.

MR. CHAIRMAN: The question is that clause 7 do stand part of the Bill.

MR. CHAIRMAN SAUNDERS: Mr. Chairman, the Third Official Member, when he said that (a) substitute 7 for 2 and then we got 10 for 5 again, what is the difference between these two.

HON. V. C. JOHNSON: (a) is referring to the filing fees paid at the Registry, for filing resolutions or any other documents relating to decisions made at companies meetings. (b) relates to photocopying fee for memorandum and articles of the association requested from Registry, and (c) relates to documentation certification whenever a certificate is required of any document minuted from the office, there is a fee for such service.

It was thought by the Registrar that those duties are sufficient enough to request this sort of increase. It occupies a good bit of the time of officers in the Registry.

MR. CHAIRMAN: I will put the question on the clauses.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: A LAW TO AMEND THE COMPANIES LAW.

MR. CHAIRMAN: The question is that the title do stand part of the Bill.

CAPT. CHAPLIN J. KIRKCONNELL: Mr. Chairman, they have a law to amend the Companies Law (Revised), I think there is an error Sir, because there is no such law. I mentioned it earlier to the Second Official Member, Sir.

MR. CHAIRMAN: That connection can be made at the table if the Honourable Second Official Member confirms.

HON. V.G. JOHNSON: There is a connection to be made at the table but, Sir, a typographical error in the spelling of the word "sub-section" the last word in the Law.

MR. CHAIRMAN: Connection will be made at the table. I will put the question on the Title as amended.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes examination of a bill intituled "The Companies (Amendment) Law, 1981". The final bill before us is a bill entituled "The Tax Collection (Amendment) Law, 1981".

THE TAX COLLECTION (AMENDMENT) LAW, 1981

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE AND DATE OF COMMENCEMENT.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 6.

QUESTION PUT:

HON. V.G. JOHNSON: Mr. Chairman, there is a need to make some form of amendment in regards to "A" in this section. An attempt was made to provide a minimum fee to the annual registration of vessels. The first figure which was recommended was $60.00, it was thought that this was a small sum and the amount was increased to $100.00, but it appears that $100.00 puts the whole "A", "B" and "C" out of gear, because if you calculate 201 tons under "B" at .30¢ per ton you come up with a sum of $60.30 so it would be cheaper to register a boat or to pay the annual fee on a boat 201 tons as against one that is 200 tons. And I think the only solution to it is to return to the minimum fee of $60.00.

MR. CHAIRMAN: The proposal is to substitute $60.00 for $100.00 under "A". An amendment has been proposed to Clause 2 to substitute the figures $60.00 for the figures $100.00 under small Roman (i) A. I will put the question on the amendment.

QUESTION PUT: AGREED

MR. CHAIRMAN: If there is no further debate on the clause I will put the question that Clause 2 as amended do stand part of the bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: A LAW TO AMEND THE TAX COLLECTION LAW (REVISED).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes examination of a bill intituled "The Tax Collection (Amendment) Law, 1981", and also concludes our business in committee.

HOUSE HANSARD

THE PRISONS (AMENDMENT) (NO.2) LAW, 1981

REPORT THEREON

HON. D.F. POSNER: Mr. President, I have to report that a bill entitled "The Prisons (Amendment) (No.2) Law, 1981" was considered by a committee of the whole House and passed with the following amendment :- On line 8, Section 5 the words "vessel or" inserted between the words "designated aircraft".

MR. PRESIDENT: A bill intituled "The Prisons (Amendment)(No.2) Law, 1981" has been duly reported and is set down for third reading.

THE LIQUOR LICENSING (AMENDMENT) (NO.2) LAW, 1981

REPORT THEREON

HON. JAMES M. BODDEN: Mr. President, I have to report that a Bill for a Law to amend the Liquor Licensing Law, 1974 (Law 11 of 1974) was considered by a committee of the whole House and passed with the following amendment:- Section 6 sub-section (b) on the last line the insertion of the words "by the same Licensee" between the words "years" and "in".

MR. PRESIDENT: A bill intituled "the Liquor Licensing (Amendment)(No.2) Law, 1981" has been duly reported and is set down for third reading.

THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 1981

REPORT THEREON

HON. JAMES M. BODDEN: Mr. President, I have to report that a Bill for a Law to amend The Music & Dancing (Control) Law, 1977 (Law 10 of 1977) has been considered by a committee of the whole House and passed without amendments.

MR. PRESIDENT: A bill intituled "The Music & Dancing (Control) (Amendment) Law, 1981" has been duly reported and is set down for third reading.

THE COMPANIES (AMENDMENT) LAW, 1981

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report that a Bill entitled "The Companies (Amendment) Law, 1981" was considered by a committee of the whole House and passed after amendment to Section 5, replacing the figures $425.00 with the figures $475.00.

MR. PRESIDENT: A bill intituled "The Companies (Amendment) Law, 1981" has been duly reported and is set down for third reading.

TAX COLLECTION (AMENDMENT) LAW, 1981

REPORT THEREON

HON. V.G.JOHNSON: Mr. President, I have to report that a Bill entitled "The Tax Collection (Amendment) Law, 1981" was considered by a committee of the whole House and passed after an amendment to Section 2 (a), the figures"$60.00" replacing "$100.00".

Mr. PRESIDENT: A bill intituled "The Tax Collection (Amendment) Law, 1981" has been duly reported and is set down for third reading.

THE PRISONS (AMENDMENT) (NO.2) LAW, 1981

THIRD READING

HON. D.H. FOSTER: Mr. President, I move that a bill entitled "The Prisons (Amendment) (No.2) Law, 1981" be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE LIQUOR LICENSING (AMENDMENT) (NO.2) LAW, 1981

THIRD READING

HON. JAMES M. HODGE: Mr. President, I move that a bill for a law to amend the Liquor Licensing Law, 1974 (Law 11 of 1974) be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE MUSIC & DANCING (CONTROL) (AMENDMENT) LAW, 1981

THIRD READING

HON. JAMES M. HODGE: Mr. President, I move that a bill for a law to amend the Music and Dancing (Control) Law, 1977 (Law 10 of 1977) be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE COMPANIES (AMENDMENT) LAW, 1981

THIRD READING

HON. V.G. JOHNSON: Mr. President, I beg to move that a bill entitled "The Companies (Amendment) Law, 1981" be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE TAX COLLECTION (AMENDMENT) LAW, 1981

THIRD READING

HON. V.G. JOHNSON: Mr. President, I beg to move that a bill entitled "The Tax Collection (Amendment) Law, 1981" be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: We can proceed next I think with Government Motion.

GOVERNMENT MOTION NO. 2 - DEVELOPMENT PLAN 1977 RESOLUTION FOR AMENDMENT

HON. THOMAS M. HIGGINS: Mr. President, on behalf of the First Elected Member I would ask to withdraw this motion at this time with your permission.

MR. PRESIDENT: Is there any objection from the House if the motion is withdrawn?

MR. C.I.KIRKMANN:: Mr. President, could we be given some reason why they are withdrawing it at this stage?

HON. THOMAS K. BOLDEN: Yes, Sir. The time required under the Development and Planning Law has not yet expired after the publication for the making of objections thereto, and it will not expire, I understand, until early in November, so I would hope that the Member will bring it back at that time.

MR. PRESIDENT: The motion is by leave of the House withdrawn.

GOVERNMENT MOTION NO.2.- DEVELOPMENT PLAN 1977 RESOLUTION NOW AMENDMENT WAS WITHDRAWN

ADJOURNMENT

MOVED BY: HON. D.R. BOSTON.

QUESTION PUT: AGREED. AT 10:58 A.M. THE HOUSE ADJOURNED SINE DIE.

MR. PRESIDENT: I have provisionally fixed the 7th of November as the date for the Budget meeting, but this will be confirmed formally in the usual way.

BUDGET SESSION 1991

FIFTH MEETING OF THE (1991) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON WEDNESDAY, 18TH NOVEMBER 1991

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS PEARMAN, CMG, OBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS H FOOTET, OBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS |
| HON D P HARWICK, OBE, QC | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON V O JOHNSON, OBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON JOHN H MCLEAN | MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM CIVIL AVIATION AND TRADE |
| HON G HAIG BODDEN | MEMBER FOR COMMUNICATIONS & WORKS |

ELECTED MEMBERS

| | |
|---|---|
| MR J CHARLTON SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR D KALMAIN EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR KENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR V MORGAN BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE ELIZAH BODDEN | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MARY S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR CRADDOCK BEAKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

ORDERS OF THE DAY
FIRST DAY

WEDNESDAY, 16TH NOVEMBER, 1983
10.00 A.M.

PRAYER.

1. (a) GOVERNMENT BUSINESS.

Draft Estimates of Revenue & Expenditure - To be laid on the Table by Hon. V.G. Johnson, CBE., JP.

(b) BILLS.

(i) The Appropriation (1983) Bill, 1983 -- First & Second Readings (Financial Statement by Hon. V.G. Johnson, CBE., JP.)

(ii) The Customs (Amendment) Bill, 1983 - (Suspension of Standing Orders 46 (1) and 47 for all stages same day).

(iii) The Cayman Islands Education Bill, 1983 - (Suspension of Standing Orders 46 (1) and 47 for all stages same day).

(iv) The Tourist Accommodation (Taxation) (Amendment) Bill, 1983 - (Suspension of Standing Orders 46 (1) and 47 for all stages same day).

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WEDNESDAY 16TH NOVEMBER, 1961
10:00 A.M.

MR. PRESIDENT: The Assembly is in Session. I will ask the Rev. Pickering to say Prayers.

PRAYERS

REV. MILES PICKERING: 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 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 amongst 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. And as our Saviour Christ has taught us we pray together.

Our Father, which 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.

Now the Lord bless us and keep us: the Lord make His face to shine upon us and be gracious unto us: the Lord lift up His countenance upon us and give us peace now and always. Amen.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE, 1962 - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the table of this Honourable House the Draft Estimates of Revenue and Expenditure of the Cayman Islands for the year 1962.

MR. PRESIDENT: So ordered.

THE APPROPRIATION (1962) LAW, 1961
FIRST READING

CLERK: The Appropriation (1962) Law 1961.

MR. PRESIDENT: A Bill intituled "The Appropriation (1962) Law, 1961" is deemed to have been read the first time and is set down for a Second Reading.

SECOND READING

CLERK: THE APPROPRIATION (1962) BILL 1961.

HON. V.G. JOHNSON: Mr. President, I beg to move the second reading of a Bill intituled "The Appropriation (1962) Law, 1961".

HON. V.G. JOHNSON (CONTINUING):

Mr. President, I am pleased to be reporting the country's financial and economic position again after a period of nine months since the last Budget Session.

Mr. President, the Budget for the new financial year 1988, the details of which will be given at a later stage, is $96 million or 12% over that of 1987. I should also tell you at once that new revenues are recommended in addition to those presented at the last meeting of this Assembly in October; all new measures should together produce $2.65 million and are regarded as a necessary supplementation to the 1988 income. In fact the purpose of introducing new revenues was to achieve a balanced budget: this has been accomplished.

The Year 1987

In my last Budget Address early this year I said that it was not likely maximum growth in 1987 would be as exceptional as in 1986: the result so far supports the statement for the growth this year using the latest revised figures indicates only 12% which is far below the 1986 actual performance of 24% over the previous year. There is therefore very little to add regarding economic activities on these Islands over the nine month period from February this year. Except for slight wobbles in the private sector consuming a lull in the condominium retail market during the traditionally slow summer period all areas of the economy are still experiencing the same excellent performance of the last two years. This is measured largely by Government's revenue which is at present still in good shape as it will exceed the estimated figure by over 5%, indicating that the boom is still on even if the pace does not measure up to the 1986 performance.

Here in the Cayman Islands it is a well known fact that no economic development acceleration when no inflationary pressures mount, and as we do have fairly accurate indicators at any given time of the level of either economic performance or inflationary tendencies. Our position tends to be governed to an appreciable extent by trends in other countries, especially the United States, where there have been reports of a declining inflationary trend this year, while every effort is being made to maintain productivity to avoid economic contractions. Reduced energy costs and high interest rates are two limiting factors to the easing of inflationary pressures. The stabilising of energy costs as we have seen it this year, was quite a significant achievement by the oil importing countries which implemented stringent policies to curb inflation within their economies by decreasing oil consumption, building up their own production and seeking alternative energy sources. Three years ago the United States introduced an all time high interest rate as a measure to curb inflation and although rates fluctuate, there is no clear indication that a return to normal levels will be achieved in the immediate future. There was a dip in world interest rates just recently, which raised hopes for easier credits; however, slight drops from high levels for short periods have been the pattern for the past two years.

A few words on inflation, a subject which is a prime topic in every country. Inflation has also been a global problem, and largely so because we tend to confuse the symptoms of the problem with its cause, thus failing to find the ultimate source. There is also reluctance in some cases to control the "monster" for fear that the action to reduce inflation may also result in reduction of income. However, whatever the cause or the situation may be, it should be the aim of all responsible citizens to keep inflationary pressures within tolerable bounds. Constraints applied for control purposes, should aim at stabilising income saying that this will cause production to out-pace consumption and ultimately close the gap between supply and demand. This may not be an easy course but in a small community like ours, a combined effort in this direction can produce rewarding results. International measures against inflation such as high interest rates affect us adversely and so our particular situation requires that special

HON. V.C. JOHNSON (CONTINUING): treatment of community effort.

Early this year it appeared that inflation in these Islands would increase its rate of growth over the 15% recorded in 1980. However as the year progressed there was indication of the easing of inflationary pressures in the United States followed by a decline in growth. By that time the here effects were being experienced here as well which is confirmed by the quarterly Consumer Price Index figures. Growth in the first quarter to March was 4.4%, the second quarter to June 1.7% and the third quarter to September 1.0% or 7.5% for the nine months. If the growth is annualized on a nine month basis from April to September this year, the annual rate will be just half that of last year. There is definite decline in inflation.

Trade Position

Earlier this year Government produced the first computerised annual trade statistics for 1980 summarising imports and the small bit of exports consisting largely of Cayman manufactured products. The unbalance between import and export in the trade pattern which have always been the position in these Islands, brought confused sentiments in the news media that the country was in a deficit trade position. Of course while there may be extreme variations in visible trade, that is import and export, the invisible trade provided by economic activities such as tourism and finance, places the country in a very strong trade position. We have never had foreign exchange problems because our earnings from the tourist and financial industries, together with the large capital inflows, far outweigh expenditures generally. We should therefore avoid making it appear to the public that the country is in an adverse trade position when this is in fact not the case.

I will now offer brief comments on important areas of the economy.

Tourism

The Cayman Islands, unlike other major tourism destinations including Bermuda and Bahamas, emerged again this year with increases as indicated in the figures through to July, even though the percentage gains are down from last year. Tourist arrivals by air were up 5.7% and cruise ship passengers up 8.4%. With the addition, before the end of this year, of another cruise ship on a yearly basis, traffic in this sector should increase substantially.

Tourism should be flourishing and challenging in 1982 when over 100 new condominium units are available. We hope owners and managers will work closely with Government in an endeavour to maintain the high class of tourist for which the Islands are known. There must also be a full commitment on the part of the industry regarding training of local staff so that each person involved in the industry may become a vital cog in the wheel of success.

Regarding overseas development, a new Tourist Office was opened in London in August this year with adequate staff. A new thrust will be made into the European area and the Cayman Islands will for the first time participate in the World Travel Mart in London to introduce new selling efforts. The Cayman Director of Tourism was re-elected for another year as President of Caribbean Tourism Association. This appointment is seen as a continuing valuable public relations boost for the Cayman Islands especially at a time when the Caribbean travel market is becoming critically depressed.

The Financial Industry

(a) Companies Registration

The activity involving companies registration is still growing. For the period January to September this year 2,455 new companies were registered, an increase of 14% over the same period in 1980. At the end of September 1981 there were approximately 12,500 companies on register in the categories: ordinary 4,800, exempt 7,300 and foreign 400. The revenue produced by this source is also increasing,

YOUR V.I. NUMBER (CONTINUING): the estimate for 1991 being $4.8 million, an increase of 22% over 1990. With new measures already introduced, revenue in 1992 has been estimated at 6.6 million, an increase of 41% over 1991.

(b) Banking

The confidence placed in the Cayman Islands by the international financial community has been reflected in the many applications which have been received during 1991 from well-known and reputable banks for licenses to operate from the Cayman Islands. At the end of 1990 there were 324 banks and trust companies on the register from over 30 countries. By the end of this year the number should be about 480, an increase of 20%. This substantial growth is something we should value tremendously not because of sheer size in numbers but because of the quality of the banks which are choosing the Cayman Islands from which to carry on offshore business in the eurocurrency markets.

The benefits to the Islands from banking are considerable. Government revenue from license fees is expected to reach $3,001,500 by the end of this year. Since I am not proposing an increase in fees, revenue in 1992 from this source is estimated at $3.3 million. In addition to license fees, information supplied to Government shows that a further $15 million was spent by banks and trust companies in the Cayman Islands in 1990 by way of operating cost, salaries and capital expenditure. At the end of 1990, the latest date for which information is available, a total of 877 persons (715 of whom are Caymanians) were employed in the Cayman Islands by licenced banks and trust companies, 66 more than a year earlier.

(c) Ship Registration

In 1978 this Government in an endeavour to establish the Cayman Islands as an international port for ship registration based on acceptable standards, attempted in a first phase exercise to reorganise the Local Ship's Registry by seconding the Registrar to the Department of Trade in the United Kingdom for a period of twelve. Hopes of success in creating such a registry land run high at one stage that suddenly that enthusiasm changed to despondency when the United Nations Conference on Trade and Development declared its members from the developed countries which included the United Kingdom, to phase out in underdeveloped countries ship registries known as open registries or flag of convenience operations.

The announced closure of open registries is apparently succeeding according to recent statements made by the Department of Trade. Plans were announced to tighten up the registration of ships in British Dependent Territories including Hong Kong, Bermuda and the Cayman Islands. The move is part of a revision of the machine of the 1894 Merchant Shipping Act relating to the register of British vessels and is aimed at making sure that standards applied to U.K. ships are also effective for ships registered in the dependent territories. In fact the statement makes it abundantly clear that until the long term exercise involving amendment of the law is completed, the United Kingdom intends to postpone further extension to the dependent territories of international conventions on standards, safety and pollution prevention. In fact the trend of opinion in recent time indicated that the advantages to be derived from the creation of an international ship registry here could be minimal in relation to the disadvantages, and that the privilege we had hoped to build in the system could end in embarrassment.

It now appears that success in establishing this service will be more difficult to obtain.

The improvement to the local Registry a few years ago attracted a fair volume of business especially over the past three years when 470 ships were registered and the system produced revenue amounting to $200,000. But the future of registration of even small ships in these Islands is uncertain until the United Kingdom introduces the amendments to the Merchant Shipping Act mentioned earlier.

HON. V.G. JOHNSON (CONTINUING):

(d) Insurance

The Insurance Industry which is a new sector of the economy, was established in mid 1980 when legislation was introduced for the first time, and the Office of Superintendent of Insurance established to regulate the activities of companies combining domestic and offshore business. Already the industry is enjoying a degree of international recognition as the number of licences rises steadily, largely in the area of offshore companies involved in captive insurance. Speculation is that the Cayman Islands may now be regarded as the second leading offshore domicile for captives after Bermuda. By the end of August this year the Office had received 381 applications which included 167 for offshore insurance. Although all applications are not yet processed, because of the need for additional information in a few cases, the number indicates the growth rate.

Some members of the Insurance Industry considered that business is being hindered in certain respects because of restrictions under the Confidential Relationships (Preservation) Law to provide the international market information classified confidential under the law. It is not likely Government will consider an amendment to the law to rectify what is thought to be a problem by the industry, for principals may voluntarily release such information to the public without breaching the Law.

Benefits from the insurance industry to the economy comprise of licence fees which produced in 1980 $715,000 and is expected to reach this year over $800,000: the estimated figure for 1981 is $1.1 million. Indirect contributions are employment of resident staff, business to the accounting and law firms, other local overhead costs, and the traffic generated by visiting directors, many with their families, to attend board meetings, sometimes twice annually: this traffic supplements the tourist industry as does traffic from other areas of the financial industry.

Insurance is a new industry to the Islands. It is a field which requires properly trained and experienced persons especially in the area of underwriting management. An important factor which must be borne in mind as the industry grows is training to qualify local staff to occupy senior positions. It is appreciated that it takes many years to produce an insurance specialist, nevertheless, given the opportunity with the right encouragement and inducement, staff will in time qualify. Caymanians can excel in any field of study and now that the standard of secondary education in the Islands is steadily improving much good material from the school system will be available for training in any field. Training of local staff must be a policy adopted by all areas of the financial community if the institutions are to function harmoniously within the local environment.

Revenue and Expenditure

The Revised Estimates of Revenue and Expenditure for 1980 were $33.4 million and $31.35 million respectively and the surplus revenue including the balance of $3.21 million brought forward from 1979, was $5.4 million. In the final analysis however, the surplus reached $7.7 million resulting from a most remarkable performance of the economy in the months of November and December 1980. During 1981 a sum of $4 million was moved from the Surplus Revenue Balance and put to General Reserve: details of the latter account will be given shortly.

Revenue for 1981 including loan funds estimated at $37.7 million is now revised at $40.8 million and capital and recurrent expenditure estimated at $40.67 million are revised at $40.8 million resulting in a working balance for the year of $.32 million which takes Surplus Revenue Balance to $4.6 million at the end of the year. It appears that the performance of 1980 will remain an all time record with an actual revenue intake of 50% over the previous year.

HON. V.G. JOHNSON (CONTINUING):

General Reserve

In 1980 the General Reserve Fund was boosted by a contribution from Surplus Revenue Account of $3.7 million and Capital Projects Fund $1.15 million which at the end of the year placed the Reserve at $7 million. In 1981 another sum of $4 million from Surplus Revenue was added and this together with income from the invested funds will place General Reserve at over $12 million by the end of this year. This now represents the equivalent of four months revenue and 43% of the 1981 recurrent expenditure. It appears that Reserves can now be boosted again by a further contribution from Surplus Revenue Account.

The most significant role which the General Reserve plays in the Government's financial system is assisting to provide a cushion for the economy particularly during a recession as was the case in 1975-77 when Government's spending was heavily relied upon for economic readjustments.

Public debt

At the 1st January this year public debt stood at $7.8 million comprising unsecured loans raised from local banks, Caribbean Development Bank, the British Government and European Development Fund. The proceeds of these funds were applied solely to capital development in the areas of education, Airport development, Roads, Port facilities and Office Accommodation. Within the next three years a further $6 million will be raised from Caribbean Development Bank to partly finance the new Cayman Brac hotel, the proposed new Owen Roberts Airport Terminal Building, and a number of road projects in Cayman Brac and Grand Cayman. Of the total loan portfolio including the $6 million from Caribbean Development Bank to be drawn over the next three years, only the local consortium loan with an outstanding balance of $4.7 million was raised on hard commercial rates payable over twelve years. The British aid loans of £2.3 million bear no interest and the term is 50 years. The Caribbean Development Bank loans, the bulk of Government's borrowings, are on 4% and 5% rates repayable over 25 years. The European Development Fund small loan of US$6,000 is at 1% interest repayable over 40 years.

As the conditions attached to the majority of these loans are very generous, their servicing placed no undue burden on the finances of this Government. The service charge for 1981 was $848,000 or 4.4% of ordinary revenue, and for 1981 it will be $1,050,000 or less than 5%. In some countries public debt servicing runs at the level of 10% and above.

Finance and Development

(a) Government Savings Bank and Currency Board

As the beginning of the last decade the future of the Government Savings Bank was examined on the grounds that as far as the public's need was concerned it had perhaps lost its attractiveness and usefulness in the light of growing banking facilities provided by local commercial banks, and secondly, the operation was being subsidized by public funds. The business of the Savings Bank was offered to commercial banks but their bids indicated little interest on their part to take over the accounts. It was therefore decided to amalgamate the operation of the Savings Bank with that of the Currency Board so as to reduce overhead costs. The Manager of the Savings Bank also became Manager of the Currency Board and all costs are shared equally between the two units. The amalgamation has worked very well and the Savings Bank is still being used by the public in spite of the many commercial banks in the Islands and the better rates of interest they sometimes offer. Those members of the public who are dedicated customers of the Savings Bank, have been charmed by the reliability of Government.

In 1980 the Savings Bank extended its operation to the Cayman High School where in one year 64 active accounts were opened. At the end of 1980 a total of 658 depositors' accounts were operated by

HON. V.G. JOHNSON (CONTINUING): the Barclays Bank which included those of Cayman Brac branch. The total assets consisting of cash and loans are now in excess of half million dollars. The annual growth of deposits normally average 12% and the assets provide a reasonable income sufficient to support the Bank's operation. There is therefore no reason to be concerned about the immediate future of the Savings Bank.

On the 1st May, 1972 the Currency Board will celebrate the tenth anniversary of the first currency issue. The growth of the Board's operation over ten years is beyond all expectations. In the beginning the total assets were only $1.5 million representing currency in circulation at the 31st December, 1972. By the middle of this year assets reached $11 million made up of reserves against redemption liability for currency in circulation $7 million, royalty from numismatic coins $3.4 million, General Revenue $1.3 million and other accounts $.3 million. At the present time all the assets are in cash and invested in short term deposits so as to take advantage of the prevailing high American interest rates. The Board has contributed to Government revenue to date $1,231,000 in six contributions beginning in 1972.

Important activities within the Board this year included decisions to issue two notes of $40 and $100 denominations, and numismatic coins to commemorate the Royal Wedding. The $40 note was released on schedule to coincide with the annual Private Week Festival beginning on the 14th October as it was designed specifically for the purpose. The circulation of the $100 note will follow in early December.

In July this year the Board authorised the issue of a Royal Wedding Commemorative coinage to honour the marriage of His Royal Highness Prince Charles and Lady Diana Spencer. There are three coins, $100 gold and $10 silver of proof quality, and $10 cupro-nickel. The latter will be sold at face value and the 10,000 pieces struck by the Royal Mint are available only in the Cayman Islands to residents and visitors.

During this Meeting of the Assembly a bill will be introduced to amend the Currency Law, 1972. One of the recommendations deals with the redemption liability of numismatic proof and specimen coins. For example the nominal or face value of all numismatic coins issued to date is approximately $15 million and the royalty received by the Board is $2.4 million. It is therefore necessary to state in the law the value reserve to be created against redemption liability of the coins. The view is that there will be no liability for coins put into circulation they become very valuable and are not likely to be presented at any time for redemption, and even if they are to be redeemed, the Board is not obliged to pay more than the face value for the coins. The proposal is that all coins be valued to the extent of not less than 10% of their face value which will be adequate for the purpose.

(b) Computer Service

In 1979 Government introduced a computer service with the aid of a small Burroughs computer which completed successfully two important programmes, the 1979 Population Census and the 1980 Trade Statistics. However, only after the service was established it became evident that the equipment was not sufficient to accommodate the increasing number of requests for its use, the most important being Immigration which has now been accorded top priority, the Treasury for automation of the accounts system and the Companies Registry.

In this age of advanced technology and systems, the operation of Government cannot continue to be serviced by difficult manual methods which are both time consuming and labour intensive. The tendency must be to aim for minimization of strains and maximization of output. Immigration for instance, cannot continue to account manually for the growing number of visitors rising into thousands monthly, many of whom are job seekers who would have no compunction of infringing the Immigration rules to overstay their authorised period of admission.

HON. V.C. JOHNSON (CONTINUING): The Treasury too has had no significant change in staff or equipment over the past ten years and its now funded modest budget that has grown from just over $2 million in 1971 to a projected $28 million in 1981, a growth of no mean order. To cope, staff and equipment must increase, and this would require a larger office, as an increase of staff in the present office environment would only create more confusion and disarray. The same applies to the Office of the Registrar of Companies. Companies have increased from a small figure of approximately 2,000 in the early 1970's to about 14,500 today. Ships on register increased tremendously in recent years and so has growth in all other registries in that Office. The operation outgrew the present office space from a few years ago when shortage of vault space to store important records became quite critical. Additional accommodation is therefore urgently needed. Secondly, to sort manually 14,000 companies for assessment of arrears and other information on a daily basis is far beyond the present system; automation is therefore the only acceptable alternative. Similar situations are found in other departments as well.

It was agreed by this Honourable House that the request for improved systems in the Departments was justified and authority therefore given to purchase a larger computer which would meet the working demands. The new equipment, a Digital Computer, was installed last month in a newly decorated and well equipped Computer Room in the Administration Building. Steps to ensure the performance and service have been taken in the areas of recruiting of technical staff, establishment of a Management Committee chaired by the Financial Secretary to deal with system developments, to monitor progress and ensure maximum utilization and the employment of a Computer Consultant from the United Kingdom for the initial orientation period of the new and improved system.

Internal and External Affairs

(a) Department of Broadcasting

From Radio Cayman's going on the air in late 1970 it decided to diversify into commercial broadcasting with the intention of one day becoming financially self sufficient. The Department has made remarkable progress in this direction for at the end of September this year revenue earned exceeded recurrent expenditure by $10,200. The year's income is expected to exceed that of 1980 by 20%.

(b) Immigration

The current year's revenue has so far matched the estimated provision and should very well exceed it by the end of the year. In particular revenue raised under the Trade and Business Licensing Law has reflected a healthy growth and can be regarded as yet another measure of the expanding economy.

During the earlier part of this year an Immigration Advisor from the United Kingdom completed a review of activities in the Immigration Department and submitted a Report to Government. As a result it has been decided to recommend increases, mainly in staff, in the Department's 1982 budget. It is planned that the Department's statistics will be computerised during 1982 so that its entire operation may reflect a marked improvement.

(c) Prison

The subject 'Prison' has now been transferred to the Chief Secretary's Portfolio of Internal and External Affairs.

The new Prison at Northward in Fedro opened on the 2nd June, 1981 when 18 prisoners including one female were transferred from the George Town lockup. Since then until recently the prisoner population has fluctuated between 30 and 40.

The new Prison began operation with largely English contracted officers in the senior positions in order to give the service the right thrust in the initial stages. All posts in the Department have been filled and training of staff has been given priority to enable as

Hon. V.G. Johnson (continuing): the near future replacement of contracted officers with local staff.

The current phase construction for expansion of prison accommodation has now started and should be completed in the Spring of 1992. At that stage all Caymanian prisoners will serve their sentences at Northward thus ending Cayman's long association with the Jamaica prison service.

(d) Police

Approval was given by this Honourable House for a generous increase in the Police budget this year moving recurrent expenditure up 40% from $1.4 million to $2.4 million so as to provide among other things adequate staff which increased from 136 to 167. The consideration was given in that the force under a new command could be reorganised to meet the present day demand for a keen and efficient Police system which would ensure the continued growth and prosperity of these Islands. The results after a year of concerted efforts by the Department are quite rewarding. The areas where fresh efforts were concentrated are:

(a) the opening of a Police training centre to enable recruits to be trained in their own country, and also to provide refresher and specialist training for higher ranks.

(b) increasing the mobile strength of the Traffic Section so as to improve driving discipline on the roads.

(c) strengthening air/sea rescue and maintaining territorial waters policing by purchasing and commissioning an ocean-going boat for the purpose.

(d) providing a 24 hour police post seven days a week with the increased establishment.

These developments, which reflect a much improved Police force, justify the increased spending.

(e) Cayman Brac and Little Cayman

For Cayman Brac and Little Cayman the current year will undoubtedly be regarded as the most outstanding for accomplishments in respect of capital projects implementation. One that could not remain topping the list is the new port facilities at the Creek in Cayman Brac just completed by the American Engineering Firm, Heisner Marine Inc. The feasibility investigation of this project began ten years ago in a joint study involving the Cayman Brac Port, and because of difficulty in reaching a decision on sharing together with the problem of financial construint, the implementation was only recently made possible. The total cost is CI$4.x million financed by a loan of CI$1.26 million from Caribbean Development Bank and the balance contributed from local revenue. Construction of the port is the fastest marine work ever recorded in these Islands. The contract was awarded in April this year and actual work on site began only in late July, and by the end of September the project was completed and the facilities handed over to Government. The port which has been put under the control of the Port Authority will begin operation in early December.

During this year a new Public works office costing CI$1,000 was completed; it will improve the image of that area of Government's operation and give greater incentive to the staff to increase efficiency. Construction of the new Administration Building which started in 1989 is progressing well and should be completed in 1991. Also work which will be completed in 1992, continues on the Gerrard Smith Airport runway involving its widening from 100 feet to 150 feet and lengthening from 5,000 feet to 6,000 feet. The next phase of Airport development to be considered is the construction of a new terminal building which could be partly financed by a one percent loan from the European Development Fund. An additional Classroom, a Library and an Administration Block at a cost of $182,000 were added to the Cayman Brac High School. The East End Primary School also had the addition of a Classroom and an Office at a cost of $50,000.

HON. V.G. JOHNSON (CONTINUING): The roads programme made good progress this year as the South Coast project was completed and four miles on the North Coast resurfaced and marked, costing a total of $850,000. The North Coast project will be completed in 1981. In Little Cayman roads also received attention and the programme which cost $56,000 this year will continue in 1982.

The establishment of a new port and the proposed jet service to Cayman Brac will certainly set the scene for an increasing pace in economic development in the smaller Islands. The concern of ten years ago over stagnation of business and later a rapid decline in economic activities resulting in a dwindling population, have now turned to enthusiasm over growth, development and a booming situation. Government's injection of fair sums of capital into economic readjustments together with the significant contribution being made by Cayman Energy's oil transfer operation, should continue to serve the Islands well.

(f) Oil Transfer Operation

The ship to ship oil transfer operation at Cayman Brac suffered a slight recession in the first half of this year as transfers fell by over 40% of the 1980 volume for the same period January to June. However, the decline is considered temporary with no serious side effects and business should soon be back to normal although other views are that the Louisiana Offshore Oil Port known as LOOP which was built recently and is now in full operation may be the cause of the slowdown at Little Cayman. LOOP is the United States first supertanker port; it is sited 21 miles off the Louisiana sea coast in the Gulf of Mexico. This super port was built by Marathon Oil, Texaco, Exxo and other major oil companies at a cost of $500 million. It is linked to the shore installation by 136,000 feet of steel pipe line 56 inches in diameter and has a daily through-put capacity of 1.2 million barrels of imported crude oil which represents approximately 20% of United States importation. LOOP will undoubtedly attract some of the business from Little Cayman's oil transhipment operation.

The ship to ship crude oil transfer operation at Little Cayman began four years ago in August 1977 and by June this year oil transferred had provided Government with a royalty of CI$1.8 million. The 1980 operation was the biggest since the terminal started.

Legal Department

The pace in the Portfolio for Legal Affairs increases day by day as in other areas of Government because few important activities are concluded without an input from the Legal Administration which also has responsibility in Executive Council and the Legislative Assembly for the Judiciary. All agreements, contracts, franchises and proposals must be processed by the Legal Department; legal advice to the Service is a daily demand; prosecution in the Courts is a full time responsibility; and large volumes of legislation are produced year by year for consideration in the Legislative Assembly.

The Department also assisted in carrying forward a scheme whereunder persons will be able to qualify locally as legal practitioners.

For sometime consideration has been given to the introduction of a system whereby under adequate legal arrangements persons interested in pursuing a legal career could be articled to local legal firms where over a period of time through practical work and academic studies, they would sit recognised examinations to qualify in the profession. In order to hasten implementation of the system an Adviser was employed in mid year to examine the possibility and feasibility of a system of legal education in these Islands. As a result of the advice given, recommendations will be presented at this meeting for the establishment of a post of Director of Legal Studies in the Legal Department in an endeavour to launch the system by the beginning of the new school year in September 1982. Offices, lecture room and library facilities will be provided by the Judicial Department in the Courts Building.

HON. V.G. JORDAN (CONTINUING):

Agriculture, Lands and Natural Resources

This Portfolio has quite an unfortunate history in recent times with the loss of Principal Secretaries. Last year one sadly passed away and this year another had to retire because of ill health. The former Deputy Registrar of Lands who acted as Principal Secretary in the Portfolio on various occasions since last year is confirmed in the post, becoming the third Principal Secretary in that Office within a year. In spite of staff disruption and a heavy work load the administration functioned well and so have the departments comprising the Portfolio. I set out below a few comments on these Departments.

(a) Planning Department

Planning has been short staffed since last year and it has also been without a Head of Department since March this year. Staff is being recruited to fill the vacancies and by the end of this year the Office should be fully operational again. The Department's main function is to administer the provisions of the Development and Planning Law and to deal with decisions of the Central Planning Authority, a Board established under the Development and Planning Law and responsible for the management of the construction industry throughout the Islands of Grand Cayman. The Central Planning Authority has held 19 meetings between January and September this year and approved 301 building applications at a cost of $60.3 million. The performance this year has a slight edge over the same period last year when 16 meetings were held and 286 applications approved at a value of $46.8 million.

The Department has embarked on the preparation of a Building Code for these Islands based on the South Florida Building Code with certain modifications. The Code will be implemented once accepted by Government.

(b) Lands and Survey Department

This is another record year for land transactions as registrations reached 4,410 with a commercial value of $64 million and representing a growth of 12% over the same nine months last year. The stamp duty provided by these transactions amounts to $4,618,400. Condominiums registered under the Strata Titles Law reached 812 for the nine months this year.

(c) Mosquito Research and Control Unit

This year unlike last year was plagued by large broods of mosquitoes although there were 12h aerial sprays and 884 ground applications. Largely responsible for this situation is the fact that the Unit's effectiveness was hampered by the loss of its Cessna aircraft and a year went by before a replacement was put into service. Shortly after the new aircraft arrived the second older machine had to be sent to Houston for servicing because of rapid deterioration from rust: the cost of servicing will be approximately US$50,000. Physical control is now possible in all swamp areas from West Bay to North Sound Estates in Grand Cayman; primary work is continuing on the Sister Islands. The Unit has also launched for the first time this year a control service in Little Cayman. The Unit's budget for this year for recurrent expenditure $1 million and capital $171,000. The total estimated expenditure for 1982 is $1.3 million.

(d) Department of Agriculture

During the year a study was conducted on the future of agricultural development in these Islands and the possibility of improving the Government demonstration farm at Savannah. The recommendations have been accepted generally and as a result the Department will be restructured so that more emphasis is put on crop production. Livestock production will also be given attention. Appropriate staff must be recruited

HON. V.G. JOHNSON (CONTINUED): for the Department of the proposals are to be implemented with success. The estimated cost of implementing the recommendations for improvement of the demonstration farm is $360,000.

The Agricultural and Industrial Development Board (A.I.D.B.)

The A.I.D.B. was established in 1980 under the provisions of the Agricultural and Industrial Aid Law. This statutory body was recommended by Caribbean Development Bank as part of its programme to assist local farmers and small industries by placing at their disposal development funds on much more attractive conditions than commercial borrowings. The programme is also a scheme to assist economic development in underdeveloped countries which includes the Cayman Islands.

The Agreement between the Bank and this Government stipulated that at the establishment of A.I.D.B. Government should make an outright grant to it of CI$57,800 as a start-up budget, and annually, Government should provide the Board with an Office, staff and equipment. Government met these conditions. The office is located at White Hall, in George Town. The Bank on the other hand was committed to provide Government funds in three categories: Small Industry Credit US$360,000, Agricultural Production Credit US$197,200 and Farm Improvement Credit US$78,800, a total of US$636,000 or CI$477,000. To date the Board approved 17 projects with loans of CI$338,250. The greater portion of these funds went to small industries: the Board is now actively promoting the other categories of credit.

Health, Education and Social Services

(a) Health Services Department

The 1981 Health budget experienced enormous growth. Expenditure increased from $2.8 million in 1980 to $3.4 million in 1981 or 23%. The growth was largely in the area of staff under the recurrent estimates, and rose from 175 to 213. The capital expenditure in the sum of $427,000 assisted in carrying out improvements to physical facilities such as completion of the eight bed surgical ward now in operation, fencing of the compound and numerous other small projects.

Plans are underway to completely rebuild the out-patient section of the Hospital, expand the Dental Service to be more accessible to school children, improve the medical services to provide for emergencies resulting from mass casualties or disaster, build a new laundry, extend kitchen facilities, and enforce an improved system of fee collection.

(b) Education Department

The current year's budget for Education is $5.35 million comprising recurrent expenditure $5.3 million and capital expenditure $1.05 million. This represents 46% increase over the 1980 allocation and 10.32% of the Government's 1981 budget. Recurrent expenditure rose by 50% over the 1980 estimated provisions, the areas of significant increase being Books and Equipment 84%, Scholarships 46% and a provision of $95,000 to cover the operating cost of the Community College and the Building Trade School. The Community College levies a charge for tuition which goes to public revenue and which cancels the overhead cost of operating the College within the High School System. The capital expenditure was allocated mainly to the third phase of the Middle School which cost $737,000, lands for its expansion $110,000, extensions at both the Lower Region and Cayman Brac campus of the High School, the long awaited canteen at the Grand Cayman High School, and classrooms and bench areas at primary schools. The 1982 capital programme includes a proposed Teacher's Centre, Administration Block for the Middle School, Reception Block for the George Town Primary School and an additional classroom for the Cayman Brac High School.

The public school system of these Islands is now catering to a total enrolment of 2,404 students representing a growth of 2% over 1980. These are divided into primary schools - 1,122: Middle School - 660: Secondary System 965 and Handicapped School - 19. All schools are using

HON. V.G. JOHNSON (CONTINUING): well and the results of the High School's external examinations were especially gratifying.

(c) National Council of Social Services

The main effort of the NCSS at present is to complete the Home for the Aged Project. Donations at present stand at over $100,000 half of which was raised by the Rotathon programme. Very substantial donations were made by other organisations. Government also made a contribution. Work on the project started early this year. Plans now will provide eight bedrooms and the main dining and living areas: these should be completed early in 1982. The NCSS 1981 Family Fete day was a success and the effort produced over $8,000.

Tourism, Aviation and Trade

(a) Civil Aviation

At the end of September revenue and expenditure compared favourably with that estimated during the budget preparation in 1980 despite the fact that one international carrier suspended operations in the latter part of that year. Recently there has been an increase in aviation charges (Landing/Parking fees, Licensing of Air Services and Air Navigation Fees) which will result in an increase in revenue of approximately $50,000 during the last quarter of this year. These increases were well overdue rates not having been reviewed since early 1977, a period which saw large percentage increases in the cost of operations and also very great of costly development involving extensions to runways, terminal buildings and the addition of navigational equipment. Increases in non-governmental charges such as ship rentals, concessions etc. are also to be reviewed and will add an estimated $10,000 to collections for 1981. These also were overdue for revision, not having been increased since 1977.

Runway extensions at the Owen Roberts Airport were completed during the month of October at a total cost of $400,000. The total length of the facility is now 7,000 feet and should result in considerable savings to aircraft operations because of the possibility of increasing payloads; savings will be realised too due to reduced maintenance cost of brakes, tyres and the other systems.

A complete overhaul of runway lighting is presently being installed to replace aging troublesome units. The new equipment includes runway edge lights, simple approach lights, precision approach path indicators, apron floodlights and wind cone illumination lights. Sufficient material has been purchased for the planned new parking apron and associated taxiways bringing the total cost of material and labour to $110,000.

Final design drawings have been submitted for a new Control Tower, Briefing Room and Civil Aviation Offices and work will commence in the very near future. These accommodations, originally forming part of a proposed new terminal building, will now be located near the existing terminal to facilitate general aviation traffic runway lighting improvements. It is estimated that the complex will take about six months to complete and will cost about $500,000. A new terminal facility for Owen Roberts Airport should be under construction in 1982 and will take about 24 months to complete.

Purchase of radio and telegraphic equipment approved for 1981, has been temporarily postponed pending final negotiations with the Sub-station Agencies at Lower Valley Airport and the construction of a new control tower. This equipment will greatly upgrade our present facilities and will cost in the region of $167,000.

The programme of increasing the length and width of the Gerrard-Smith Runway in Lower Prac continues and by the end of the year the total dimensions should be 6,000 feet by 150 feet with the required minimum safety zone on the sides and ends. The total estimated cost of this development is $1.5 million, the initial $870,000 being funded by European Development Fund and the balance from local revenue. On completion, the aerodrome will be able safely to accept medium sized jet

*Hon. V.H. MCKNIGHT (CONTINUED):* transport which should be welcome for the tourist industry in the smaller Islands as well as improving revenue figures derived from landing and parking charges. As in the case of Owen Roberts Airport, a full set of runway lights is being installed to accommodate night operations.

Plans to continue the development at Gerrard-Smith Airport in areas of a terminal Building, Fire Service Station and Control Tower will be considered during 1982 as well.

Other significant areas of development for both airports will include the upgrading of the security system by completely overhauling the current wire chain link fence and employing additional staff. It is thought that revenue could be improved by applying a small security levy to the travelling public which would more than offset the cost of providing the service.

It is also proposed to introduce car parking fees at the airports and revenue from this source is estimated at about $20,000 in 1982. This change is based on the number of vehicles presently being parked overnight at the airport.

The introduction of car parking fees, a security tax and the increase of other airport revenue should reflect a healthy rise in aviation fees for 1982 of approximately $290,000.

(b) The Fire Department

In 1970 the decision was made to establish a Domestic Fire Service and because of staff problem the operation was put under a joint management with the Airport Fire Service until adequate staff could be found and trained. Equipment was ordered and in 1980 the new service became operational. In 1981 both services were amalgamated under one head of expenditure in the budget. The start-up capital budget for 1980 and 1981 is approximately $700,000 and the provision for 1982 is $484,000. The approved recurrent expenditure for this year is over $600,000.

The staff is very keen and provides an efficient service. Statistics indicate that the Department answered 176 calls in 1978, 141 in 1979, 195 in 1980 and 104 for the first nine months of this year. It is quite clear that demand for the service is growing and Government's effort to improve the system was timely. Traditionally the supply of water for fighting large fires has always been a major problem which will continue until such time as a hydrant system is installed. However, it is hoped to relieve the problem somewhat by sinking wells in areas where there is no pond or sea water.

Communication and Works

(a) Government Central Vehicles Funding Scheme

In 1977 Government established a central vehicles maintenance and replacement service with a staff headed by a qualified Caymanian Mechanical Engineer and managed by a Board chaired by the Financial Secretary. Prior to this, vehicle maintenance was performed by vehicle user departments, the largest of which are Public Works, Police, Hospital Research and Control and Medical. The mechanical staff from these departments were nationalized in the Funding Scheme and all vehicles in the ownership of Government were put under control of the Scheme. The main purpose for creating a Central Vehicles Scheme was to (1) ensure that all vehicles received adequate service economically within a Government system, (2) carefully programme all equipment along planned lines, and (3) institute control on the use and movement of all Government vehicles, a problem which was difficult to control otherwise.

A charge is made for maintenance service. This year's estimated income will amount to $417,200 which covers the overhead cost of the operation. Up to the present time Government provides for replacements and new vehicles, however, the Funding Scheme Manager should now be tasked to incorporate the element of replacement cost. The Scheme

Hon. V.H. JOHNSON (CONTINUING): has improved and expanded its facilities over the years and now provides servicing for over 200 vehicles. Recently a consultant adviser was employed to examine the operation and carry out Supervisory Training Seminars for senior staff. The Report spoke well of the service; it is perhaps the finest in the region.

(b) Port Authority

The Port Authority was established in 1976 to administer the new George Town Port and it will now embrace in its operation, the new Cayman Brac port which will shortly be opened and put into service. The George Town Port which cost over $4 million largely financed by Caribbean Development Bank on very generous terms, has had quite an impact on the growth of the economy especially in the construction sector. In the first year of operation (1978) the cargo throughput was 58,456 tons and in 1980 the volume had increased to 114,793 tons, a growth of 100% in five years.

The Port has operated successfully meeting year by year commitments to repay the entire cost of the facility, to cover the cost of replacement expenditure and new equipment, and to pay any surplus funds to Government. The first contribution from surplus funds was made in 1980 and to date $704,000 has been paid to Government.

Water and Sewerage

Government has for a long time been studying the feasibility of providing the public with water and sewerage facilities. A few years ago we were fortunate to have a private company produce desalinated water for the Seven Mile Beach area which was a great relief to that section of the Island catering to a growing tourist industry. However, the demand in that and other areas has now grown beyond the capacity of the Water Company under its present structure. Government is therefore considering the possibility of establishing a ground water system and at the same time embarking on the project a sewerage disposal service. The ground water in the thickly populated western section of Grand Cayman is rapidly being contaminated with the present sewerage system which creates a health hazard and should be attended carefully at this point.

The first study on ground water was conducted in late 1960s under the auspices of the United Nations and since this Government has pursued more positive studies. Executive Council has just appointed a very able Committee chaired by the Honourable Member for Communications and Works to programme and co-ordinate the various studies leading to the eventual establishment of a public water distribution system and a sewerage disposal facility covering the first phase known Town and the Seven Mile Beach. More recently the former Deputy Director of the Mosquito Research and Control Unit, a qualified Civil Engineer, has been appointed Manager of the Scheme to ensure an orderly progression of the study and the eventual implementation of the recommendations when approved by Government. Assistance for this last phase study is being given by the United Nations and the Canadian Government.

The Coming Year 1982

Revenue and expenditure estimated for the financial year 1982 will produce a balanced budget within the year's operation, i.e. revenue will cover expenditure without the need to employ any portion of Reserves or Surplus Revenue from the previous years. Revenue including Hon Measures $2.55 million and Capital Loans $3.62 million, are estimated at $46,198,626 and expenditure $52,973,741 resulting in a revenue balance of 217,885. Since Surplus Revenue from 1981 will not be used to supplement the 1982 budget it may be in the best interest, as suggested earlier, to make a portion of those funds to General Reserve as soon as the accounts for 1981 are finalized.

Early forecasts of ordinary revenue for 1982 in relation to the level of expenditure indicated a shortfall of $2.52 million after extreme cuts in all areas of expenditure. It was at this stage that the position was closely examined and the decision taken to present a balanced budget by introducing new revenue that could cover the shortage as opposed to calling on reserves for the purpose.

HON. V.G. JOHNSON (CONTINUING):

Tax Measures

Most budget presentations carry one item which is usually of much interest to the public, especially to those who have financial responsibilities; I refer to taxation. Here in the Cayman Islands new tax measures do not often create much excitement because they largely affect the offshore operations or non-residents.

The incidence of indirect taxation affecting the general public of the Cayman Islands although viewed as an inequitable system in that its measures apply equally to the poor and wealthy, remains the Cayman Islands best as the absence of the more equitable form, that is, direct taxes such as income tax, is what revenue is low however, and is responsible for the attraction and growth of the offshore financial industry. This operation provides the largest input to the economy from banking, trust, insurance, real estate and construction activities, as well as the supplementation to tourism from the large traffic of businessmen and their families.

I will now briefly outline three new revenue measures which, if acceptable to this Honourable Legislative Assembly, will become effective as early as conveniently possible. These measures, including the two items presented at the last meeting of this Assembly increasing companies fees by $1,200,000 and tonnage tax on vessels by $20,000 will produce in full additional revenue of approximately $3.66 million.

1. School Fees

When Government inherited the Cayman High School from the Presbyterian Church in 1966, students paid a school fee which was later abolished under an education policy that provided free education up to secondary level for the benefit of all children permanently resident in the Cayman Islands. At the present time Government is spending more on education than on any other single service in the country and while the level of expenditure is justified by the academic achievements of the schools, the growing lack of accommodation evidenced by the increasing intake of students over school leavers is causing much concern.

What is of even more concern is the fact that in recent times parents resident abroad have been seeking enrolment of their children in Government schools here. It is thought that the reason mainly for this might be the high standard which the schools have attained in recent times but lack of accommodation is now seen as an inhibiting factor to the continuation of the present "free for all" enrolment policy.

The question of imposing a school fee on children not of Caymanian status has raised eyebrows in the past, in fact much has been said for and against such a policy. However, Government is now of the opinion that due to the sharp increase in the cost of providing these services, a contribution to assist further expansion should be forthcoming from those enjoying the facilities and who are not ordinarily residents of the Islands. It is therefore proposed that school fees be reintroduced effective January 1968 to be paid by all children who are not of Caymanian status: the fee will apply to all Government schools and the following are the rates:-

| | |
|---|---|
| Primary Schools | $150 per term |
| Secondary (a) Middle School | $100 per term |
| (b) High School | $200 per term |

This revenue measure will produce $300,000 in 1968.

2. Customs Import Duty

Government proposes to remove duty from four items of food, reimpose duty on a number of luxury items and increase the rates of duty on liquor and cigarettes.

Some ten years duty has been removed from a number of food items and this proposal is a continuation of that policy.

HON. V.G. JOHNSON (CONTINUING): The items and the duty which will be removed are:

(i) Fish - whether salted, pickled, dried or frozen (15%)

(ii) Cheese (15%)

(iii) Coffee (5%)

(iv) Macaroni (15%)

The duty which these five items produce is $70,000 p.a., cheese being the largest ($40,000) and coffee the second ($10,000).

The reimposition of duty on a number of luxury items is not seen as a step to adversely affect the freeport concept which was introduced in the mid 1960's when the 20% duty was removed completely on an attempt to improve tourist traffic especially in the summer months when hotels were obliged to close. While the duty free system proved useful it is the view now that that area of commercial business can make a small contribution to the needs of Government without upsetting prices in the showcase to any large degree as it is felt that perhaps one fairly generous. It is also seen as a compromise for the relief of duty on food. The new rates will vary from 5% to 20% and will produce $140,000 in 1982: the items are:-

| | | |
|---|---|---|
| (i) Jewelry: | (a) Black Coral | 20% |
| | (b) All others | 10% |
| (ii) Clothing from United Kingdom | | 10% |
| (iii) Linen, Silk and Tapestry | | 10% |
| (iv) Watches, Tumbling Clocks, etc. | | 5% |

The 20% duty imposed on Black Coral is intended as a measure to protect local industries using local products.

Rates of import duty have also been increased on liquor and cigarettes and will produce additional revenue of $860,000 in 1982. The details are:-

| | | |
|---|---|---|
| (i) Spirits - Rum, Whisky etc. | From $12.00 to $22.00 | per gal. |
| (ii) Wines and Cordials | " $ 4.00 to $6.00 | " " |
| (iii) Cigarettes | " $ 7.00 to $8.00 | " thousand |

4. Garbage Fees

This area of revenue has not been reviewed in many years and it is now proposed to increase the fees on commercial garbage disposal and large containers. The following are the new rates:-

(i) All commercial rates to increase by approximately 33 1/3%

(ii) Large containers to go from $300 to $600.

This measure should provide additional revenue of $20,000 in 1982.

Capital Estimates

There are three items appearing under the Capital estimates for the new financial year which deserve special mention: they are (a) Canadian Government Aid, (b) The Traffic Study and (c) Government's contribution to the Protestant Youth Centre Project which is a church effort.

(a) Canadian Aid

Since British development aid to the Cayman Islands ceased two and a half years ago, small sums of free money for capital projects have been coming to Government from the Canadian Government through its Canadian International Development Agency's Mission Administrative Fund operated by their foreign officers. Over the past two years Cayman received

U.S. V.I. JOHNSON (CONTINUED): grants through the Canadian High Commission in Kingston, Jamaica of approximately Can.$70,000 annually which were spent on Medical and Agricultural development. The grant for this year was first announced at the level of Can.$25,000 but by mid year the amount rose to Can.$100,000. Apparently this will also be the level of aid for the next planning year beginning 1st April, 1968.

During the latter part of October an official from the Canadian High Commission's Office visited here to identify an also suitable projects for financing from this gratefully accepted aid. It was finally decided that the proposed projects, subject to final approval by the Canadian High Commission would be as follows:

| | |
|---|---|
| 1. Cayman Brac Port (Sea wall reinforcement) | Can.$75,000 |
| 2. Agricultural Development (Specialized equipment) | 15,000 |
| 3. Road Construction (Equipment) | 10,000 |
| 4. Education (Equipment for the Handicapped School) | 10,000 |
| 5. Proposed Youth Centre (Social Development) | 20,000 |
| Total | Can$100,000 |

The projects should be implemented by the 31st March, 1968, the end of the aid year. The Prospect Youth Centre which is a private sector project was considered because of its impact nationally on social development.

(b) Traffic Study

Traffic in Grand Cayman and especially in the George Town area has experienced major growth in recent years and has now reached an acute stage of congestion in the downtown section. This situation caused Government to appoint early this year an American team of consultants from Wilbur Smith Engineering Company of Fort Lauderdale, Florida to examine the congestion problem and recommend measures which can alleviate the situation. An Interim Report covering the route situation in George Town was submitted in September and authority is now being sought for implementation of the recommendations where practicable. The prime areas for immediate treatment were:-

(a) The intersections at North Sound Road and Crewe Road, Elgin Avenue and Shedden Road and Eastern Avenue and North Church Street by the Cemetery.

(b) Downtown circulation.

(c) Downtown temporary off-street parking.

The Final Report which was submitted on the 30th October deals in greater details with data collection, analysis of existing traffic characteristics, future traffic forecasts, and long range roadway requirements.

An amount of $100,000 is recommended under capital expenditure for this project in 1968, however, it is suggested that work begin immediately.

(c) Prospect Youth Centre

In a continuing policy of strengthening the social future of the Caymanian community, Government is sponsoring to assist the development of a Youth Centre at Prospect. Although the development is a church effort, the site being the church's property, Government's assistance is to ensure the success of the project, because the usefulness of such a facility can be measured in terms of national interest. It is considered vitally important that much emphasis be put on youth training and discipline and the organization pioneering that effort on a national basis is the United Church which was formerly the Presbyterian Church, the forerunner of education and religion in these Islands. The Centre will be used as well to accommodate visiting religious youth groups who come here

HON. V.G. JULLSEY (CONTINUING): not only for vacation purposes but also to interchange with their counterpart resident youth valuable cultural and other interests.

The recommendation is that a sum of $25,000 from funds be granted on the grounds that the church match this contribution on a dollar for dollar basis and that the facilities when completed be made available as well to churches of all other faiths throughout the Cayman Islands. It is hoped that all the churches, commercial enterprises, the financial institutions, the service clubs, and all other organizations and individuals, will join Government and share in this effort.

Tourism

In my last Budget Address mention was made of a tourism study being conducted by an American Firm. It was hoped that the report would provide useful material to measure in some reliable manner the actual economic circumstances for determining tourism development priorities as the very high Gross Domestic Product per capita income could be disguising true level of real development and also future development potentials. The report was received late last month when the study team made a very impressive presentation of the contents to Government.

The Firm that conducted the study, Laventhol & Horwath enjoy international reputations: they are Certified Public Accountants and Consultants. The study, focusing on the future of tourism in the Cayman Islands covered a ten year period and examined tourism, the entire world economy, in all its dimensions. The conclusions state that although great challenges lay ahead, mechanisms are in place to develop the Cayman Islands travel industry in a manner conducive to economic prosperity and cultural preservation. However, it warned too that the Cayman Islands have not been able to avoid many problems related to the development of a Caribbean resort destination such as:-

(a) Escalating land prices

(b) Negative impacts of immigration on Caymanian population

(c) Inadequate regional and ecological planning

(d) Lack of hotel management expertise

(e) Increasing social tension, and;

(f) Rapidly changing social environment.

One important point made in the report is that occupancy levels in hotel lodgings have must reach an economic point of 65% to 70% before the market supports additional units. According to current assessments, if new condominium units are taken as available tourism accommodation there would be sufficient rooms to support a maximum tourism growth of 16% per annum over the next five to six years. This is based on the present constraints on essential services such as utilities, airport facilities and most importantly, labour. As was stated by Government at the presentation, the economies in the Cayman Islands over the past 15 years is that economic plans become obsolete early after implementation because of phenomenal growth in the economy: this Ten Year Tourism Plan may be no exception. The important point to bear in mind however, is that we must focus attention on what happens in this country from year to year using Laventhol & Horwath's professional assessments in their report as a guide to promoting a wholesome tourism growth.

Conclusions

Mr. President, we will soon be saying farewell to you, as you leave the Cayman Islands on retirement at the end of this year. You came here Sir, on the eve of a world recession which later enveloped the Cayman Islands. Although that recession you witnessed one of the most extraordinary booms we have ever experienced in the Cayman Islands. You

HON. V.C. JOHNSON (Hon Deputy): still leaves us still in the boom situation after a record seven years in office as Governor of the Cayman Islands. It is therefore appropriate that on this occasion when you sit in our Parliament for the last time we pay you special tributes.

The job as Governor carries with it many responsibilities and is not merely as easy as it looks. You come here, Mr. President with a wealth of experience covering all aspects of administration. You excelled in patience, discipline, dedication and the ability to remain calm under all circumstances. You will leave this country with a great satisfaction of accomplishment and success in administering the affairs of these Islands. You will leave behind a marvellous record to be a challenge to those who will succeed you in office. You leave behind seven important years of your life. We can at this time say to you with all sincerity, thanks for a fine stewardship, and for the warm feeling and personal interest you have always displayed for the people of these Islands. May the fruit of your labour be enjoyed by all those who live here. We pray that God will richly bless you and Mrs. Russell to enjoy good health through many years of happy retirement.

Mr. President, I would like to thank you personally for the tremendous amount of assistance you have given me in my work. It has been a great privilege for me, and I have been extremely fortunate to work with a Governor so experienced as you in financial administration, you being at one time a Financial Secretary yourself for many years. Your enthusiasm to assist is one of your great attributes.

I too, Mr. President, stand here today delivering my last Budget Address to this Honourable Legislative Assembly. I will take my departure from the Civil Service on the 31st March, 1982, three months after you leave and early after the new Governor take office. At the time of leaving I will have completed 36½ years with this Government and 17½ years on the position of Financial Secretary.

Mr. President, I delivered my first Budget Address to this Assembly on the 26th February, 1968; prior to that it fell to the Governor to prepare and deliver the Budget Address which formed part of the Throne Speech. This is my fourteenth Budget Address. In the first address I quoted a former Prime Minister of England as saying, "the wind of change is blowing;" I did so because it had become evident by that time that a wind of change was really blowing all over the Cayman Islands bringing with it economic growth and prosperity. In my Budget Address delivered in February this year I briefly summarised the achievements and accomplishments over the period that followed. I will not repeat what was already said but would like to add that during that period we did make great strides in economic development which resulted in a tremendous improvement to existing facilities and the creation of new facilities which, for the size of the country and its population, are unparalleled anywhere in the world. The tourist and financial industries grew tremendously and contributed to the country, an extraordinary prosperity. All that happened here since my first Budget Address, which is too numerous to recount at this time, did not happen by mere accident, it happened because of concerned persons whose dedication, planning, well thought out policies, and careful selection of the right technical skills, created the climate and atmosphere which encouraged and sustained growth and development.

Mr. President, the wind of change is still blowing, and we must hope that it continues to blow in the right direction. Our accomplishment in transforming the Cayman Islands into a leading law haven and offshore financial centre, should not be allowed to breed complacency. But instead it should create an unrelenting pressure to continue to succeed. Therefore, Honourable Members of this Legislature, the Civil Service and the Private Sector of these Islands, may you be encouraged to continue to contribute to the political and economic stability which is so vital to the continued confidence in these Islands.

On an ending note I must compliment the staff of all Departments and Sections of my Portfolio. Finance and Development: an area in which I worked most of my days in Government and which came under my full charge 17 years ago. I would like to say how deeply appreciative

HON. V.G. JOHNSON (continuing): I am of the unfailingly loyal support which I received from all officers regardless of rank. I am very proud of them all for they are fine people who possess sterling qualities and who have done a wonderful job, many times under adverse circumstances and unreasonably with criticism from the public. One need only look at the mammoth growth of the budget and the operations in all areas of the Portfolio over the decade and compare this to the negligible increase in staff, to appreciate how much gratitude is due to this hard working small group of Civil Servants.

I also thank all other members of the Civil Service for their co-operation and assistance over the years. The Civil Service of this country is an institution of which all the members and the public should be proud. I remember in his farewell address to the Civil Servants of these Islands, in 1962, Sir Kenneth Blackburn, the last English Governor-General of Jamaica who was also Governor of the Cayman Islands at the time, paid us a fine tribute when he said that he had visited many countries in the Caribbean and elsewhere and there was no doubt in his mind that the Cayman Islands Civil Service was the finest he had seen anywhere. I too would say that in my years of experience dealing with other governments especially in this region of the world, we do have a fine Civil Service and every one should be concerned to preserve this.

I must pay tribute too to my Honourable colleagues of this Chamber and Executive Council. I thank you all for the support given to me which brought much ease to my work. Ever since I entered this Legislature in 1965 and Executive Council in 1967, there has been a pleasant and cordial relationship between the Members and myself, which resulted in a strong and meaningful financial administration for Government. This has not let remain, for the country profited as a result: the Cayman Islands during that period became financially independent resulting in the complete withdrawal of British Development Aid two years ago. This glowing position of ours resulting from a thriving financial and tourist industry, will continue with the same co-operation which I trust will be given to my successor.

Mr. President, I cannot restrict mentioning the name of three Legislators of blessed memory, three men for whom I had the greatest of regard and respect. I refer to the late Clifton Hunter, the late William Farrington and the late Ashton Bodden. I regard them as three fine gentlemen and true representatives of the people: men who possessed rare qualities of humbleness and respect. They were always strong advocates of what they thought was the very best for the country.

Finally Mr. President, I would refer to a quotation from one of my previous Budget Addresses when I said, "Much has already been achieved but there is yet a great deal to be done. So let us not overlook to destroy the work of others; rather let us improve and continue to build". Mr. President, may I suggest that it is a continuing task of this Government to marshall the financial resources during this boom period, and to equally manage the country's present economy in a manner that will ensure their continued sensitive performance.

Mr. President, I recommend the Appropriation (1982) Bill, 1981 comprising an estimated sum of $44,452,419 to cover recurrent and capital expenditure in 1982. Excluded from this sum are the statutory provisions covering largely pensions and loan repayments amounting to $1,018,225. The total expenditure for 1982 is therefore $45,470,644.

MR. PRESIDENT: The question is that a Bill intituled "The Appropriation (1982) Law, 1981", be read a second time. The motion will be put down for debate on a later occasion.

I will suspend proceedings for fifteen minutes at this juncture.

HOUSE SUSPENDED
HOUSE RESUMED

MR. PRESIDENT: Please be seated. As the time is twenty-five to one, which is normally the time we suspend for lunch, I will take the suspension at this time so that we can proceed with the Bills this afternoon at 2:30, when we resume. I will suspend proceedings until 2:30 this afternoon.

HOUSE SUSPENDED AT 12:35 P.M.
HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

THE CUSTOMS (AMENDMENT) (NO. 2) LAW, 1981
FIRST READING

CLERK: The Customs (Amendment) (No.2) Law, 1981.

MR. PRESIDENT: A Bill intituled "The Customs (Amendment) (No.2) Law, 1981" is deemed to have been read the first time and is set down for second reading.

SECOND READING

CLERK: The Customs (Amendment) (No. 2) Law, 1981.

HON. V.C. JOHNSON: Mr. President, I beg to move the Second Reading of a Bill intituled "The Customs (Amendment) (No.2) Law, 1981".

Mr. President, the object and reason for presenting this bill is to give the effect to some new revenue measures for 1982, to be introduced at this time. It is the view, Mr. President, that because of the nature of this bill that it should take immediate effect or become operative as early as possible after it is passed by this Honourable House.

The grounds supporting the introduction of this bill were stated in the Budget Address this morning when it was mentioned that duty would be removed from four items of food and under Section 6 of this bill, the effect is given to the removal of duty on those four items under (a), (b), (c) of the recommendation in that paragraph.

MR. PRESIDENT: With respect, I think that before the Honourable Member proceeds further, we should have a formal suspension of the standing orders requiring gazettal.

SUSPENSION OF STANDING ORDERS, 40(1), (3), and (4)

HON. V.C. JOHNSON: I apologise for this, Mr. President, I should have remembered this before. Mr. President, I beg to propose the suspension of Standing Order 40(1), to allow the introduction of a Bill entitled "The Customs (Amendment) (No. 2) Law, 1981". And the purpose for requesting the suspension of Standing Order 40(1) is because it was not possible to give sufficient notice for the introduction of this bill as required under that Standing Order. And so I now propose the suspension of the Standing Order in order to deal with the bill.

HON. V.G. JOHNSON (CONTINUING): In an informal meeting with Honourable Montague yesterday, I mentioned the reason why it was not possible to publish the Bill before today.

MR. PRESIDENT: I suggest that in an abundance of caution it might be wise to suspend Standing Orders 48(3) and 48(4) as well as 68(1).

HON. V.G. JOHNSON: Yes, Mr. President, I was going to move the suspension at a later stage. But, if you think, in your wisdom, that we should do it at this stage, I have no objections and so I would also like to include in that suspension Standing Orders 48(3) and 48(4) which will allow this Honourable House to do all the readings of the Bill today.

MR. PRESIDENT: It has been moved that Standing Order 68(1), (2), and (4) be suspended. The motion is open for debate. If there is no debate, I will put the question.

Those in favor please say Aye, those against No. The Ayes have it.

STANDING ORDER 68(1), (2) AND (4) SUSPENDED

HON. S. HAIG BOSTEN: Mr. President, I think we should suspend 77 as well.

MR. PRESIDENT: I think that can be taken at a later stage, before the third Reading.

HON. V.G. JOHNSON: The other recommendation as mentioned in the Budget Address was increase in duties on certain items, namely spirits, wines, and cigarettes, and we find therefore that items (e), (f), and (g) under the recommendation of Section 6 deal with those three items. The other recommendation was the reimposition of duty on certain luxury items and those are set out in paragraph five(h) to (m) - the items are linen, silks, suiting, tapestry, jewelry, which includes black coral. Mr. President, another recommendation contained in the Bill is that under (n) of Section 6, this is dealing with the authority to be given or the recommendation to be given for the relief of duty on certain equipment under agriculture. Under the law as it stands at present, Mr. President, this recommendation is given by the Chief Agriculture and Veterinary Officer. It is quite a wide responsibility and the Government decided recently that this authority should be given by Executive Council instead of a Head of Department. Because the responsibility there is to recommend that agricultural equipment of all kinds including building units and appliances for land Agricultural produce or local agricultural productive purposes, other than transport or the processing of non-agricultural by-products but including animal husbandry, hydroponics, fish farming, plant and crop cultivation and the preservation, preparation, packing and marketing of foodstuff and other products of the soil should be certified as such by someone. As I said presently this is done by the Chief Agricultural and Veterinary Officer but it is thought that this responsibility should now move to Executive Council.

Under Section 6, the Second Schedule of the Customs Act is amended in order to allow renovations of churches, church halls etc. to be included in duty free. At the present time the material for churches and church halls etc. are allowed in duty free, but this is for only to new buildings and so this amendment would include renovations and so on.

This is under (a) of section 8, (b) of Section 9 is recommending that school requisites for approved schools be certified by the Chief Education officer. At the present time there is no requirement for any one to certify school requisite, we thought that there should be some

HON. V.G. JOHNSON (CONTINUING): officer of department of Government responsible for the certification. I had jumped across sections 2, 3, and 5 of the Bill, Mr. President, these are just minor amendments to the law to allow those sections to operate more effectively.

Section 2 is to include parts of Cayman Brac since there is now a new port there, the Customs law at the present time refers to the port of George Town. Now we need to say the port of George Town and Cayman Brac. This is where there are certain exemptions.

Section 4 deals with the forfeiture of vessels and sets the forfeiture sum as $10,000 or a sum equal to one half of the value of the vessel whichever is less.

Under the law as it stands at present it says 'the owner of any vessel forfeited under sub-section (1) may elect to redeem the same from forfeiture and payment to Customs of a sum equal to the value of such vessel or $5,000 whichever is the less." It is the view that that section required amendment and so it is being replaced by this new sub-section under section 4 of the amendment law.

Mr. President, I recommend this Bill to Honourable Members. I know that perhaps it might generate some debate but I hope that this Honourable Assembly will see the wisdom in introducing the Bill, and I hope that its effect will not be as paralyzing some might want to think a disadvantage to the free port system. I think that merchants in town today will agree it might be time to reintroduce a bit of duty on free port goods. These small increases are not all that great and no doubt this can be absorbed in the level of earning which exists at the present time.

Mr. President, I recommend the Bill and hope that members will give it their support. Thank you.

MR. PRESIDENT: The question is that a Bill intituled The Customs (Amendment) Law 1981, be read the second time. The motion is open for debate.

CAPT. C.L. KIRKCONNELL: Mr. President, I rise, Sir, to support the amendment to the Customs Law (Penalty), but on debating it, Sir, I would like to bring to the attention of this Honourable House, the effect that removing the duty free status or the duty free system from the Cayman Islands at this time. Is it really worth it? We are now talking about a sum of $180,000. Grand Cayman is known, Sir, as a duty free port, and it is known as a tax haven. I am not disputing, the quantum, it is neither here nor there. What concerns me is losing this status or duty free system. Furthermore, Mr. President, when cruise ship lines select ports for their vessels to call they normally check on all the attractions which the various ports have for their passengers. Even though the amount here is negligible what will be the psychological effect on these shipping companies in the future?

When one looks at the average number of passengers brought in per voyage on these cruise ships, it is about 800. The Government derives $5 for every passenger arriving in the Cayman Islands. This would amount to $4000. It would only take ten calls of a cruise ship to make up the $180,000 that we are now trying or will be gaining as a result of putting duty on the free ports. What effect will this have on Grand Cayman?

I hope that the Government will follow this very, very closely, and if they find it is going to effect the

HON. D.V. MITCHELL (CONTINUING): calling of these units to Grand Cayman they will readily bring the Bill back to the House and remove the duty again. I agree with everything that has been done in the Bill, this is only an observation and to the only criticism I have of the Bill, otherwise, Sir, I support it.

MR. NORMAN BODDEN: Mr. President, it is a matter of fact that in this day of inflationary trends services and conveniences provided by Government for the people will continue to cost, more especially if the standard we all desire is to be maintained. At the same time a Government must be constantly aware of the country's needs and vigilant enough to pose on any possible savings to the people.

I am therefore pleased to note the various items of food stuff, some of them basic from which duty will be removed which I am sure will prove most helpful and be greatly appreciated and welcomed by our people.

I am, however, most disappointed to see that no proposal was put forth to remove the 20% duty from imported drinking water, a most essential item also needed by our people. And still insist that this would have proven of much help to the poor people in our community. It does seem a bit ironic to me, Mr. President, that our people can be encouraged to buy salt fish by removing the duty but not also assist them to get the water whereby they will easily wash, especially if they decide to eat the fish. I sincerely trust, Sir, that this item can be included the next time that a similar amendment is made, which I hope will be in the very near future.

Similarly it is expected that people will be prepared to pay higher prices for luxury items, liquor and cigarettes. And while I too am somewhat concerned the effect that reintroduction of duty on these items may have on duty free shoppers, I do believe it would be alright as the proposed price margins are not unreasonable in my opinion.

Therefore, Sir, I support this proposed amendment to this Bill.

MISS ANNIE HULDAH BODDEN: Mr. President, my voice is not too strong today, I am a bit sick, I had to force myself to come here to perform what I call my duty. And since I am here I cannot let this opportunity go by without some expression from me.

I feel, Sir, that we should do everything possible to encourage tourism. I also feel, Sir, that we must do things to help our own people. But personally I think that the items from which the duty has been increased from 8% to 10% or 15% as the case may be, are not the essentials and not the things that sell the best. Personally, I think for instance perfume, fine crystalware and all the rest of it would have been more effective but, I am not a shopper so the items that I would know sensibly what is being sold at the stores. But I agree that we should not do anything to hamper our tourist trade.

I must agree with what was said by my colleague here, that I think it was a shame that we left that resolution in regard to drinking water. Sometimes I wonder if it is not a matter of spite why many proposal that is put forward by this side is turned down at first. And I so like humbly request Sir, that drinking water be added to the list. It is not a matter of money, it is a matter of principal and I feel that water is an essential.

HON. JAMES M. RONDEN (CONTINUING): Now with regard to the liquor, cigarettes and all the rest of it, if we were to add duty 10,000% people would still smoke and drink. And it would not affect them whatsoever because they would decide to do without food to get these things, which they have formed habits of doing, smoking and drinking. And I do not think that will hurt anybody at all and it will increase our revenue.

I feel, Sir, that we should not in any way, do anything that would cause any disruption of what we have established over the years. And I will agree that if possible anytime that we find it reasonable to remove duty from food-stuff that we do so. In looking over the Customs Law, I find that most of the importations here are all marked free. We are living in a wonderful country that we can have this privilege, that our Government is so liberal that they consider that people need some help. And I feel that we as Legislators should continue our policy to serve the country to the best of our ability.

I support the Bill, Sir, and I trust that as we go on further in the debate that it shall be decided that the item water shall be included in the free list of imports. Thank you, Sir.

HON. G. HAIG BODDEN: Mr. President, the Customs (Amendment) Bill before us imposes duty on a few items that had hitherto been duty free. However, only four categories have been selected for the imposition of duty and this can in no way remove the duty free status of these Islands. As the Lady Member correctly pointed out, the items selected are not the best sellers and are really not items that are easily compared, price wise. The four categories, jewelry, cutting, linen, watches, three of them, the first three, are items that are not easily compared. Watches are normally purchased by price and model. If a person purchases a brooch pin in New York it would be very difficult to come into a store in Grand Cayman or Cayman Brac and find a brooch pin exactly the same. On the other hand, the items, cutting and linen are not sold in any large quantities. In fact, if a person bought a piece of cutting in Cayman he would probably have to use it for a bed spread because it would be difficult to get a well tailored suit made from it. The item watches, I admit is a different matter but if one notices the duty put on that is only 5%. And it is my understanding that most of these items are marked up in a 100% or more, on the instruction of the manufacturer. So the four categories on which duty will be reintroduced in these Islands cannot take away the duty free status.

Now had we included other items on this list we would certainly have been able to do away with the label duty free. The items that are very competitive and that are sold universally in large quantities and are the prime objects of the curio hunter, are items like perfumery, cigars, cameras, binoculars, watches, record players, tape recorders, jewel cases, pottery, cutlery and so on, and I could go on for a long time. These items are certainly the items sought after by the cruise ship passengers or the tourists, and these are the items that really keep the duty free merchants in business and the items selected for the reintroduction of duty are not really the fast selling items in a duty free market. So we need have no fear that the introduction of minimum duty on these items will in any way stave off the tourist who makes Cayman his port of call for duty free shopping.

We have also greatly increased the duty on cordials, wines and cigarettes. Here again the increase is small and should not be reflected in the retail price. For example, the increase in cigarettes works out to be about 2¢ per pack. The increase in spirits works

HON. O. HALO DORSET (CONTINUED): ...out to be about 3¢ per drink and the increase in wine and cocktails works out to 10¢ per bottle. Of course you will find that every time the government puts 20 on any of these items the merchants put on 25¢ to 30¢. And I think it is time that the merchants start using their conscience when they price these items. For example, a certain Hotel is now charging $2.00 for a drink of the cheapest California wine. And this wine can be bought locally for about $2.00 a bottle and they are charging $2.00 for a single drink. And it is not the Government's duty that it causing this, but the avarice of the merchants.

The story with the duty free shopping is the same, it is not the 5% or the 10% collected by Government that makes the price high. It is the mark-up which causes the inflated price.

This Bill also removes the import duty from four essential food items and this is linked with the famous chicken and potato Bill of a previous Budget Session and is a continuation of this Government's policy to remove the duty from essential items of food stuff. The four items, singled out for favour this time, are fish, cheese, coffee, and macaroni.

I cannot agree with the Members who mentioned that water was not included in this list, this was argued in the House some time ago when a motion was defeated, which would have removed the duty. My contention is that the water imported is an unfortunate part of the total consumption, and the water so imported is bought by people in the very highest income bracket and I cannot therefore agree that the savings, if the duty were removed would be passed on to a person who has to watch his or her pennies when making foodstuff purchases at a store. Of course, the time may come when water may be imported in large enough quantities to warrant Government consideration.

I support the other areas of the Bill and trust that other Members will do so.

CAPT. MARY K. KINNIMONTH: Mr. President, I rise in support of this Bill. On behalf of my people I appreciate the removal of duty on food items. I feel the increase on cigarettes and spirits can be taken care of, and the duty free I share the views of some of the previous speakers and I hope if it is found that any ill effect is being caused by it further consideration will be given.

There is one commodity which I am surprised that duty could be reduced on and that is kerosene or lamp oil, that now has a whole sale price of 10¢ a gallon more than gasoline. It is used by the poorer members of our community, still in some areas for lighting and for cooking, this due to the vast increase in the cost of energy, has remained at 20% import duty, while the other commodities such as gasoline and diesel are on a gallon or that has not been affected by the energy crisis. I would ask this Honourable House if and when consideration could be given to this item as the quantity we use is very small and the only profit Government gets into the Island is the type used by the jets therefore, it is a very expensive commodity and having to be sold at a rate that is causing hardship to our poor people.

Thank you, Sir.

MR. BERNON O. HANKS: Mr. President, I have no real difficulty with this Bill except that I have to share some of the anxiety expressed by previous speakers about the fact of comparing with the duty free status of certain merchandise. This is a very difficult decision because it is difficult to support duty payable on essential items and to have luxury items are duty free. During my years in the House it has been something that has always given me a lot of concern. Nevertheless, over the years I have been convinced that the duty free zone which the Island has and therefore the appeal to the tourist has meant much and has helped that much to the development of tourism within the Island. The quantity that is put on is negligible and could possibly be described without even affecting the prices in the store. But I do have some concern as to what the overall effect will be. If I am reading the Bill correctly it is six items that

MR. BENSON O. EBANKS (CONTINUING): are affected, and not three or four, and when one looks into the schedule you will find that the all embracing terminology of these six headings really represent more than six items. So it represents quite a bit of stuff.

So not on to the items from which duty is being removed, I too support those Members who have expressed worries that the opportunity has not been taken to remove duty from drinking water. Particularly in light of a part of the address we listened to this morning and in that address, if I may quote one sentence, Mr. President, it says "the ground water in the thickly populated western section of Grand Cayman is rapidly being contaminated with the present sewage system. This creates a health hazard and should be watched carefully at this point". I would have thought this in itself was sufficient to warrant consideration to the inclusion of drinking water in these items, particularly seeing that the amount lost in revenue would be very little and I do not support the view that this essential drinking water is used only by the very affluent people in the society. I happen to know that the very poor people resort to this water particularly during the dry season.

Time has not permitted me, Mr. President, to go through all of the amendments in this Bill properly, but I am wondering if (a) in section 6 really meets the full extent of what was expressed on page 30 of this speech this morning, that is that it would include frozen fish, because unless there is an amendment which has escaped my view or my attention, refrigerated fish, which I think would be frozen fish, is covered under 2.02 and not 3.02.

The other item that gives me some concern, Mr. President, is (m) of Section 6, 17 04, just the bold statement, black coral. I would hope that it will be shown that this is black coral in its manufactured form and not in its raw form, as I believe that many of the people who are engaged in the manufacture of black coral jewelry, at the moment, do import the raw black coral and to add duty to this, I think would possibly add to their cost to where it might not be attractive. So I would hope that this is intended for black coral jewelry, that is manufactured black coral rather than black coral in its raw state. This would meet the criteria.

Section 8A, the certificate by the Chief Education Officer, I am not aware of a definition being given in the law for an approved school and may be the mover would enlighten us as to what is intended by that phrase. I know that in one section there is schools approved by the Council or something like this or approved of or recognized by the Council, but I do not think there is a definition for approved school and I would like just reassurance that that is not going to cause any confusion in its application.

With these few comments, Mr. President, I support the Bill.

MR. KENNETH D. EBANKS: Mr. President, I rise, Sir, to support this Bill also. I feel that at any time when Government can lift duties off commodities poor people would enjoy, they should do it.

Things such as the duty from time, it is a small amount that is being lifted off them, and I do not think that it will have our duty free status now. But as has been said previously, we should keep a keen watch on it and see what the effects will be.

Thank you.

HON. TRUMAN M. BODDEN: Mr. President, the aim of every country if it must impose duty, should be to impose it at a time when the country is in a state of boom. The Cayman Islands have, for the past four years, been in an upward economic position, and if there is any time that one has to impose any type of burden on any one, it is at a time when they can best able to take it. I feel that the measures here are justified and that it is better to continue to build our reserves at this time and to present a balanced budget with these small imposition of duties, than to end up in the position where one only raises taxes for expenditures, which one has that are immediate. One must prepare a cushion for times that the country may not be in as good

HON. TRUMAN G. DOSDEE (CONTINUING): a position and to do that, one has to raise import duty and other matters from time to time.

There are fifty duty free items in the Customs Law, and all of these items are multiple items with the exception of a dozen, some go up to five per line. The categories that we have now dealt with is to remove duty from one and partly from one that is under one part of the numbered paragraphs. This country has never had full duty free status. There have always been degrees of it and in fact this continued unemployed and from time to time there have been amendments which have dealt with this by removing certain areas of ambiguity. In 1977, for instance, the paragraph numbered 17 was made more clear. But that did not mean that before that time we did not have duty free status.

The principle of duty free status must naturally apply to articles upon which it relates and I doubt if there is any country today which has full duty free status. On the other hand we have taken duty off far more items, as we are doing here again, than has any other government or group of Governments in the past, and if to support the reduction of duty on necessary items is going unpopular with on luxury items, then Mr. President, that seems to be the logical approach to take.

In the fourth recital of the water resolution, that made it very clear that whereas import duty has been removed from some luxury items as will be evident other selected foodstuff, the imputation there must of necessity mean what was ultimately put to words by the Honourable Lady Member when she incidently said that now as has been said, luxury items can well be done without. I will go Treasure Cove or Kirk Plaza and pay $20 for a bottle of perfume. She went on to really stress that it would make very little difference to having duty on luxury items. But the principle that underlies that and that resolution and my interpretation of what went on in that former resolution, are really that what we are doing is in line with the unanimous views of this Legislature. I cannot see how having another four or five categories of duty free items taken out the list are really going to affect the duty free business in any way. The mark-ups on these items are very large and I believe that it is the duty of the persons who sell these goods who deal in them and the duty of persons who purchase them, that they should more effectively contribute to this Government continuing to provide a reasons and a balanced budget, and reluctantly impost duty from the necessary items.

I am happy to run this support on this Bill; to effectively allow, I think, every one who is supporting this to say that we are now looking constructively at our finances, at our revenue, at our expenditure, and this will I think, go a long way towards preserving the good credit and the good financial position within the country.

I quite frankly agree with the Member from Bayman Area, that undoubtedly kerosene is a necessary item and in due course I would be prepared to support any move that deals with that because it is necessary, not only for poor people but it is a very necessary item to ensure that it is stored for emergencies such as hurricanes and this type of disaster. I naturally differ that there is a distinction between $1.25 or $1.50 a gallon of kerosene and paying that for a gallon of Evi-Green water.

So, Mr. President, I would ask the remaining Members to support the Bill and I would hope that this would be forthcoming. Thank you.

HON. CHADDOCK EBANKS: Mr. President, just a few short remarks. I took a statement here in the house recently that whatever Member or Members, whether it was a private Member's motion or Government that when they were bringing a motion for exemption of duties, they would bring one to suffice the place. So I am glad to see that while there has been a request for a few further exemptions on foodstuff, there have been some items brought in for the addition of duties.

One item that duty has been requested to be increased on, Mayor. Mr. President, you will not hear any squabble about

MR. CRADDOCK EBANKS (CONTINUING): that is the outside. That is perfectly all right. If the least amount, if 5% duty been added to import duty on cars you would have had a storm on the outside. But 10% on liquor you will not hear anything about it.

I remember, Mr. President, in the infancy of tourists coming to this country, when they would come here and then go to Jamaica to do their duty free shopping and come back to Cayman to spend their holidays. This I think was what opened the eyes of Government that we should think in the terms of a duty free shopping, and it has been gone into and developed, Sir, that it has proven to be a success and with the small amount being added to the duties on the few of these duty free items, I do not think it so easily discouraged by the customers, but we should be careful and try to walk a straight line with this, because if you are going to cater to the tourists to the full extent, and it is one of our biggest revenue earners then we have to be careful in going along with it.

So, Mr. President, I too can only give my support to these proposals of reduction of duty and the addition to certain items of duty. Thank you, Sir.

MR. SPEAKER: Are there any further speakers? If not, does the Honourable Mover wish to reply?

HON. V.G. JOHNSON: Mr. President, politics is a wonderful thing especially when it gets into water.

I want first of all to thank Honourable Members for their contribution and support of this Bill. There were points made by Members which I hope to clarify. The first was that because of the reimposition of duty on a few luxury items this might affect certain visitors who tourists who pay $8.00 each when they arrive in port. The Government has been studying and endeavouring to determine the benefits which are derived by the country from these visits apart from the $8.00 tourist tax. I think it is fairly difficult to assess this but from local observations the passengers who land here, they hire a taxi to go sight-seeing, they pay for a meal at one of the hotels, and then they do a lot of window shopping, but purchases here are very small.

Now if duty is reintroduced on all luxury items, I think cruise ships will continue to come here. They remain in port for a very short time, they come to see the Island and what is here and I doubt very much that shopping will prevent them from coming this way. So this was the view of Government when it decided to reintroduce duty on these seven items, referred to as luxury items.

Mr. President, the fear of Members that such action to reintroduce duty would perhaps affect tourism is something which I am sure the Members of Government, and Members of the Legislative Assembly, are all concerned will watch carefully and I am sure that if it proves any threat to the tourist industry that Government would want to rectify such ills. But my own view is that the duty introduced is very small and perhaps the less said about it the better for all concerned. What should be concentrated upon is perhaps the prices in the stores, because most visitors today travel with a price list and it does not matter whether duty is imposed or not it depends on the prices in the store and this will determine whether the stores will sell these items or not.

Mr. President, Members said that they were fearful that this might cause the Cayman Islands to lose the free port status. But I think as another Member on the Government bench pointed out, we are dealing with only seven items on the Schedule, that is the First Schedule of the Customs Law and if we count the number of free items still remaining on that First Schedule we will see that what has been removed from the free status is a very small percentage of the total. I doubt very much that what is being introduced here will affect the free port concept.

Concerning black sand, Mr. President, the Law as it stands at present mentions pearls, natural, cultured or artificial

HON. V.O. JOHNSON (CONTINUING): and black marvel and these relate to manufactured products.

Concerning item (a) in section 5, the Honourable Member for East Bay is quite right, item 3.01 should have been included with item 3.02 and in the committee stage I will be moving an amendment that item (a) to read Free - 15% - items 3.01 and 3.02.

Concerning item (b) in section 8 mentioned by the Chief Education Officer, in being for an approved school, what is meant there, Mr. President, is a school approved by the Chief Education Officer to receive there items free of duty. Someone would have to certify the school because we would not allow free importation to a school that was established to teach gambling games, or any such thing. It would have to deal specifically with education as approved by the Department. That is what is referred to there, Mr. President, school approved by the Chief Education Officer. Whether the wording is right or not it is the legal method of putting forward the amendment.

Mr. President, as I said, I am grateful to the Members who supported the Bill and I would now move the second reading. I would propose too, Mr. President, that following the question when put and if the motion is accepted by the Honourable Members that this House move into Committee to consider the bill clause by clause, and thereafter to report and take the third reading as it can be passed today. Thank you, Sir.

MR. PRESIDENT: The question is that a Bill intituled "The Customs (Amendment) Law, 1961" be read the second time.

QUESTION PUT: AGREED. BILL READ A SECOND READING.

MR. PRESIDENT: We will go into Committee after a short break. The other two Bills on the order paper if passed by this House come into effect on the first of January, so there is not quite the same urgency as this one which has distinct revenue implications if we delay. So I will suspend proceedings for ten minutes and I will come back here first and we will convene into committee.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: The Assembly is in Committee to deal with a Bill intituled "The Customs (Amendment) (No.2) Law, 1961".

HOUSE IN COMMITTEE

THE CUSTOMS (AMENDMENT) (NO.2) LAW, 1961

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is put that Clause 1 do stand part of the Bill. There is an amendment made here at the table, it should be the Customs (Amendment) (No.2) Law, 1961.

If there is no debate I will put the question.

QUESTION PUT: AGREED CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 22 OF PRINCIPAL LAW.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

If there are no speakers, I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 58.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 60.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. AMENDMENT OF FIRST SCHEDULE.

QUESTION PROPOSED:

HON. V.G. JOHNSON: Mr. Chairman, would I please move an amendment to item (a) under Section 5, by amending the last part of the item to read, "ems 3.03 and 3.05. The reason for this, Mr. Chairman, is that frozen or refrigerated fish is also included in this item and refrigerated fish is specified under item 3.02 in the Schedule and therefore the remark of duty should also apply to that item.

MR. CHAIRMAN: It has been proposed that Clause 5(a) be amended by deleting the semi-colon at the end of 5(a) - and inserting items 3.02 and 3.03.

If there is no comment I will put the question that Clause 5(a) be amended by that addition to Clause 5(a).

QUESTION PUT: AGREED. CLAUSE 5 AS AMENDED WAS PASSED.

CLERK: CLAUSE 6. AMENDMENT OF THE SECOND SCHEDULE.

QUESTION PROPOSED:

HON. V.C. JOHNSON: Mr. Chairman, some question arose about the references here specified by the Chief Education Officer as being for an approved school. Although there is no mention in the Education Law of an approved school, what is really meant here is for school requisites to be classified duty free to private schools. There must be a certification from the Chief Education Officer before the Customs Authority would release the goods duty free, and that is what is meant here as structured by the Legal Department.

MR. PERCIVAL O. EVANS: Mr. Chairman, it is just that I thought that that would have been met by merely saying school requisites certified by the Chief Education Officer as such.

HON. F. W.H. MCKOY: Mr. Chairman, I do not think we could put it that way because it would open it too wide. If we put it the way the Member has just suggested school requisites could be brought in by anybody, not necessarily connected with the school. It is better to leave it approved schools rather than approved school requisites.

HON. V.C. JOHNSON: I agree with that, Mr. Chairman, because as I said a while ago, the reason for the certification is to ensure that duty free requisites are given to schools approved for education purposes by the Department of Education and unless it is going to be referred to as a school approved for such purposes, then there is no change in what there is at present.

MR. PERCIVAL O. EVANS: Except that you have the certification of the Chief Education Officer, and I would not imagine that she would give that lightly or he, as the case may be.

HON. V.C. JOHNSON: I think the Legal Department is satisfied, Mr. Chairman, that what is put forward here under 6(b) can fill the requirements for the Customs Authority who was rather concerned in the

HON. V.G. JOHNSON (CONTINUING): past having to release these goods without the proper authentication of an Officer within the Education Department.

MR. BENSON O. BRANKS: I hate to repeat myself but I hope that the Honourable Member is not thinking that I am suggesting that they be released without a certificate. I am agreeing to everything that is put forward here other than the approved school bit of it.

HON. V.G. JOHNSON: The structuring, Mr. Chairman, is in order on my opinion on approved school is a school approved by the Chief Education Officer for the purpose of this particular section of the law.

MR. BENSON O. BRANKS: I am not going to have any long discussion over it, Mr. Chairman.

MR. CHAIRMAN: If there is no further debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: A LAW TO AMEND THE CUSTOMS LAW (REVISED).

QUESTION PUT: AGREED. BUT TITLE WAS PASSED.

MR. CHAIRMAN: That concludes examination of this bill and concludes deliberation in Committee. The Assembly will resume.

HOUSE RESUMED

THE CUSTOMS (AMENDMENT) (NO.2) LAW, 1981

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report that a Bill entitled "The Customs (Amendment) (No.2) Law, 1981" was considered clause by clause by a committee of the whole House and passed with the following amendments: in Section 4 sub-clause (a) the amendment at the end of that line was approved to read from A.DR and A.CR, by removing the semi-colon at the end of the line and adding an "a" to them. That was all the amendments, Mr. President.

MR. PRESIDENT: The Bill has been duly reported and, subject to the suspension of the Standing Order 47, can be taken for Third Reading today.

SUSPENSION OF STANDING ORDER 47

HON. V.G. JOHNSON: Mr. President, I beg to move the suspension of Standing Order 47 in order to take this Bill through the remaining stages.

MR. PRESIDENT: The question is that Standing Order 47 be suspended to complete the proceedings on this Bill. The motion is open for debate.

If there is no debate, I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THE CUSTOMS (AMENDMENT) (NO.2) LAW, 1981

THIRD READING

HON. V.G. JOHNSON: Mr. President, I beg to move that a Bill entitled "The Customs (Amendment)(No.2) Law, 1981" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: I think, if Members agree this might be a suitable time to adjourn. We could proceed with the other two Bills tomorrow.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. AT 4:25 p.m. THE HOUSE ADJOURNED UNTIL THURSDAY THE 19TH NOVEMBER, 1981.

BUDGET SESSION AND
SIXTH MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON THURSDAY, 19TH NOVEMBER
1981

PRESENT WERE:

HIS EXCELLENCY THE CHAIRMAN, MR THOMAS ROBINSON, CMG, CHF PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON DENNIS E FOSTER, CBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCIAL & EXTERNAL AFFAIRS |
| HON C P MARWICK, CBE, QC | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON V G JOHNSON, OBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON JOHN D MCLEAN | MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM CIVIL AVIATION AND TRADE |
| HON D HAIG BODDEN | MEMBER FOR COMMUNICATIONS & WORKS |

ELECTED MEMBERS

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|---|---|
| MR J CARLTON SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR D TRUMAN FRANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR BENSON O WEARING | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR D NORMAN TIBBETTS, MBE | FIRST ELECTED MEMBER FOR THE GEORGE TOWN ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HULDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF CAYMAN BROWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THREE ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| CAPT MARK S KILPATRICK | SECOND ELECTED MEMBER FOR THE THREE ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| MR CHADDOCK BRAMES, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

ORDERS OF THE DAY
SECOND DAY
THURSDAY, 16TH NOVEMBER, 1961

10.00 A.M.

1. QUESTIONS.

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.54. Will Government consider the appointment of a board and/or Committee to see that the White Hall Cemetery is kept in a more suitable condition than it now is?

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION

NO.55. What was the total cost to Government between April and October 1961 in connection with the entire investigation and trial in the Verna Lynn Bond's murder trial?

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO.56. Was any portion of the Bodden Town Public Hawk, adjacent to the Cayman Building, purchased?

If the answer is in the positive, from whom was it purchased and what was the amount of the purchase price?

CAPT. CHARLES L. KIRKCONNELL OF THE CAYMAN ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.57. 1. A sum of CI$27,690 was provided in the 1961 Estimates for a study to produce a 10 year Tourism Master Plan for the Cayman Islands.

Will the Member state:
(a) whether or not this plan has been received?
(b) will it be tabled or made available to Members of the Legislative Assembly?

NO.58 2. Will the Member state the average amount spent per day by each tourist arriving by:

(a) Air?
(b) Sea?

CAPT. CHARLES L. KIRKCONNELL OF THE CAYMAN ISLANDS TO ASK THE HONOURABLE NORMAN ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.59. Will the Member state if Government has plans to replace the missing street name and dilapidating numbers for each lot on the relevant streets, particularly in the George Town and West Bay areas?

3. REPORT OF THE FINANCE COMMITTEE
(meeting held 13th October, 1961)
TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, HON. V.G. JOHNSON, OBE., JP.

AUDITED ACCOUNTS OF CAYMAN AIRWAYS, LIMITED, JUNE, 1981

TO BE LAID ON THE TABLE BY THE HONOURABLE JAMES M.MCLEAN
MEMBER FOR TOURISM, AVIATION AND TRADE

3. GOVERNMENT BUSINESS: -

(i) BILLS -

THE CAYMAN ISLANDS EDUCATION BILL, 1981 (ALL STAGES)
(Suspension of Standing Orders 46 (1) (2) and (4) and 47

(ii) THE TOURIST ACCOMMODATION (TAXATION)(AMENDMENT) BILL, 1981 (Suspension of Standing Orders 46 (1) (2) and (4) and 47.) (ALL STAGES)

(iii) THE CURRENCY (AMENDMENT) BILL, 1981 (FIRST & SECOND READINGS)

(ii) MOTIONS

GOVERNMENT MOTION NO.2 (deferred from Fourth Meeting of the Legislative Assembly held 12th October, 1981).
DEVELOPMENT PLAN, 1977, RESOLUTION FOR AMENDMENT
TO BE MOVED BY THE HONOURABLE JOHN B. MCLEAN
MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

GOVERNMENT MOTION NO.3:
MEMBERSHIP OF THE LIQUOR LICENSING BOARDS OF GRAND CAYMAN AND THE LESSER ISLANDS.
TO BE MOVED BY THE HONOURABLE JAMES M.MCLEAN,
MEMBER FOR TOURISM, AVIATION AND TRADE

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GOVERNMENT MOTION NO. 2 - DEVELOPMENT PLAN, 1977 RESOLUTION FOR AMENDMENT

BE IT RESOLVED by this Legislative Assembly, pursuant to the powers conferred on it by subsection (2) of section 7 and subsection (1) of section 8 of the Development and Planning Law (Revised), that the Development Plan 1977 (being the plan referred to in subsection (5) of section 6 of the Law) be this day altered by re-zoning from "low density residential" to "hotel and tourist-related" the area in the Plan Palm Heights (Tarpaulin) development edged in blue on the plan annexed to this Resolution.

GOVERNMENT MOTION NO. 3

NOMINATIONS TO THE LIQUOR LICENSING BOARDS OF GRAND CAYMAN AND THE LESSER ISLANDS

WHEREAS it is now necessary for appointments to be made to the Liquor Licensing Boards of Grand Cayman and the Lesser Islands for the year 1982.

BE IT RESOLVED that the following persons be nominated by the Legislative Assembly.

FOR the LIQUOR LICENSING BOARD OF GRAND CAYMAN

Mr Crawford Banks
Mr J Garston Smith
Mr W Norman Bodden

FOR THE LIQUOR LICENSING BOARD OF THE LESSER ISLANDS

Capt Charles T Kirkconnell
Capt Sedly Ritch

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THURSDAY, 19TH NOVEMBER, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MISS ANNIE HUDAH RODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 54: Will Government consider the appointment of a Board and/or Committee to see what the White Bull Cemetery in Bush Hill in a more suitable condition than it now is?

ANSWER: The Government is not considering the appointment of a Board to deal with the White Bull Cemetery. However, provisions have been made in the 1982 Estimates for a caretaker for each cemetery in the Island and it is hoped that this arrangement will ensure that they are all kept in a suitable condition.

MR. PRESIDENT: If there are no supplementaries, we can move on to the next question.

MISS ANNIE HUDAH RODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION:

NO. 55: What was the total cost to Government between April and October 1981 in connection with the entire investigation and trial in the Verna Lynn Pandohie murder trial?

ANSWER: Figures supplied by departments concerned, show that in addition to the value of services rendered by officers in the Police and Civil Service, the cost of which salaries and overheads are included in amounts appropriated in the Annual National Budget amounts to CI$18,000.00 were incurred.

MR. PRESIDENT: If there are no supplementaries, the hon'ble Member might wish to ask her third question.

MISS ANNIE HUDAH RODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 60: Has any portion of the Seldon Town Public Beach, adjacent to the Cay-Con holdings, been sold?

If the answer is in the negative, from whom was it purchased and what was the amount of the purchase price?

ANSWER: No. Government has owned this land since 1924.

SUPPLEMENTARY:

MISS ANNIE HUDAH RODDEN: Mr. President, a supplementary question. Is it the intention of Government to purchase any additional land adjacent to what is now owned by the Government?

HON. JOHN H. MCLEAN: Mr. President, Government is presently looking into the possibility of acquiring vacant Crown lands which adjoins the public beach in Bridge Town.

MR. SPEAKER: I think the Member responsible for answering that most questions is absent from the Chamber, so if Members agree these two questions can be put down for the next day of business

CAPT. CHARLES L. KIRKCONNELL: Thank you Mr. President.

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR COMMUNICATIONS & WORKS

NO. 55: Will the Member state if Government has plans to replace the missing street names and allocating numbers for each lot on the relevant streets, particularly in the George Town and West Bay areas?

HON. JOHN H. MCLEAN: Mr. President, the question here has been directed to the Member for Communications & Works, but the Committee which deals with this was set under the Planning Department which falls under my Ministry.

Answer: Some streets in the George Town and West Bay areas have been named by the Street Naming Committee and signs have been erected. During the past three years, the Committee has been inactive. However, it is proposed to reactivate the Committee in June and complete the street naming project. Numbering of lots (houses) will be undertaken on a sensible sequential order after the street naming has been completed. Any signs which may have previously been erected will be replaced during the final stages of the project.

SUPPLEMENTARY:

MRS. JANET HULDAH BODDEN: Mr. President, there are some streets named that have not been marked. Could I be informed as to when this will happen? For instance William Pear is not marked, Bodden Avenue is not marked. They are two that I can call to mind now. I would like to know at what stage will they be marked?

HON. JOHN H. MCLEAN: Mr. President, the most I can say right now is what I have just stated in the answer that the Committee will be reactivated in June and as soon as this is done we will get on our way to try and have this problem solved.

MR. SPEAKER: If there are no further supplementaries, we can take question time to be at an end.

REPORT OF FINANCE COMMITTEE - LAID ON THE TABLE

HON. T. G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House, Report of Finance Committee resulting from a meeting which was held on 18th of October, 1981.

MR. SPEAKER: So ordered.

HON. V. G. JOHNSON: Mr. President, the purpose of the meeting of that Committee was to consider items of supplementary appropriations

HON. V. G. JORIGAN (CONTINUING): ...which amounted to a total of $15,000. The first was a supplementary under Head 15 Education, 5 Books and Equipment $10,000. The reason for this additional expenditure under that vote was because of an accelerated undertaken by the Portfolio during this year to standardise mathematics and language arts in the schools.

The other item related to the primary Instruments at Little Cayman, $400,000. Because of additional work which had to be undertaken on the project, it was necessary to review the total cost of this last phase project and to request the additional expenditure although work would be extended into the year 1982. Nevertheless, certain works had to be undertaken this year which would result in that additional work. This was accepted by the Committee.

The other sum of expenditure related to a proposal to extend the freight shed at Owen Roberts Airport. The reason for this additional expenditure of $42,000 on the project, Mr. President, is because at the present time Cayman Airways is using a portion of the freight shed to process luggage and parcels from passengers to America and the congestion in the present warehouse is becoming untenable and therefore it is necessary to provide additional facilities to process these luggage and packages. It was decided that the only alternative was to extend the freight shed to the west side with an addition that could accommodate this particular operation.

The Committee recommended these expenditures, Mr. President, and I would formally move that the Report be accepted.

MR. SPEAKER: The question is that the Report of Finance Committee held on the 16th of October, 1981, be accepted. Under Standing Order 67(4) the Assembly is deemed to have agreed to the motion.

## AUDITED ACCOUNTS OF CAYMAN AIRWAYS LIMITED, JUNE 1980 - LAID ON THE TABLE

HON. JAMES M. BODDEN: Mr. President, I beg to lay on the Table of the House the Audited Statements of Cayman Airways Limited and Cayman Airlift Ltd. until June 30th, 1980. The 1981 audits I have will be ready by the first session of the coming year.

The statement will reveal, as most reports are already aware, that there has been a substantial loss in Cayman Airways, but as has been said many a time before I think that we cannot measure that loss in proportion when we consider what good the airline has been to the Cayman Islands and the additional amount of revenue that has flowed through the services of Cayman Airways to the community.

HON. PRESIDENT: The Audited Accounts of Cayman Airways Limited up to the end of June 1980 are ordered to be laid on the Table.

## THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1981

### FIRST READING

CLERK: The Cayman Islands Education (Amendment) Bill, 1981.

MR. SPEAKER: A Bill entitled "The Cayman Islands Education (Amendment) Bill, 1981" is deemed to have been read the first time and to be set down for a second reading.

### SECOND READING

CLERK: The Cayman Islands Education (Amendment) Bill, 1981.

HON. V. G. JOHNSON: Mr. President, I beg to move the second reading of a Bill entitled "The Cayman Islands Education (Amendment) Bill, 1991". The purpose of this Bill.....

MR. SPEAKER: Sir, I must remind the Member that he have to suspend certain Standing Orders before we can proceed with the second reading.

SUSPENSION OF STANDING ORDERS 46(1), 46(2) AND 46(4)

HON. V. G. JOHNSON: Mr. President, that I would like to move the suspension of Standing Orders 46(1), 46(2) and 46(4) in order to introduce a Bill entitled "The Cayman Islands Education (Amendment) Bill, 1991". The reasons for requesting the suspension of the Standing Orders is because the Bill was not given sufficient time as required by this Standing Order for its publication.

MR. SPEAKER: The question is that Standing Orders 46(1), 46(2) and 46(4) should be suspended to allow the House to consider a Bill intitled "The Cayman Islands Education (Amendment) Bill, 1991".

The motion is open for debate. If there is no debate I will put the question.

QUESTION PUT; AYES AND NOES

MR. SPEAKER: The "Ayes" have it. The Honourable Member may proceed.

HON. V. G. JOHNSON: Mr. President, I beg to move the second reading of a Bill entitled "The Cayman Islands Education (Amendment) Bill, 1991".

The reason for this Bill, Mr. President, was stated in the Budget Address delivered yesterday and the main purpose is to introduce school fees at all Government schools in the three categories, Primary School, Middle School and the High School. There are a few other amendments recommended to the Law which are merely to clarify the three categories of form which are recommended.

Under section 2 of the proposed Bill the definition of Head Teacher is being deleted. The definition of Primary School is being deleted and these are substituted by a definition of Principal which means the teacher in charge of any Government school. The reason for that, Mr. President, is that the definition of Primary School under the Law relates to a school which gives instruction to children up to the age of 11 and if the Middle School is to be categorised differently from the Primary School which is usually headed by a Head Teacher, then there will be conflict. And so by introducing in the Law a Principal for all schools, then it is easy to categorise the three schools, that is High School, Middle School and Primary School, because all Heads of these schools will be known as a Principal.

I think a good deal has been said already, Mr. President, of the reason and the need to introduce this form of revenue and without any further debate I would recommend that Bill for the favourable consideration of Members.

MR. SPEAKER: The question is that a Bill entitled "The Cayman Islands Education (Amendment) Bill, 1991" be read the second time. The motion is open for debate.

DEBATE

HON. BENSON O. ROGERS: Mr. President, I am unable to accept

MR. GILBERT C. EBANKS (INTERVENING): ... section 4 of this Bill as it is written. If the situation is as was pointed out in the Budget Speech yesterday that persons not residing in the Cayman Islands are sending their children to the Cayman Islands for education, I support that those children should pay fees. And if the law had been drafted in such a way that there fees apply to children of parents who were not ordinarily or permanently resident in the Islands, I might have had, or could have had, different thoughts about it. But, I cannot accept that Caymanian status should be the criteria for free education. It is possible for people to be resident in this country for a large number of years without their children being or having Caymanian status or be deemed to have Caymanian status. In my opinion these persons, once they are resident in the country, contribute equally to the revenues of the country as those persons with Caymanian status and I do not think that any differentiation should be made in these instances.

Further, as I understand it, there is education now where children can have, through inheritance for the want of a better word, Caymanian status until they are eighteen years of age and then they automatically lose it which would mean that the Government would educate these children and then they would not have Caymanian status. So what have we benefitted by this other than to have given an individual an education which of course I support in the broad sense? But it is an anomaly or aspects what is being attempted here. Additionally it is not uncommon for persons out of Caymanian status in the Government employment to be sent off on scholarships or training courses as I am made to understand. And for these reasons, Mr. President, I am unable to support this clause of the Bill as it is written. If it specified children of parents who were not resident or ordinarily resident in these Islands I could have different views on it, but I cannot accept Caymanian status as the criteria - having Caymanian status or not having Caymanian status as the criteria for mandating free tuition or having to pay the fees. I believe that it can be a very contentious division being as per capita and for the little amount of money that we are going to realize from this, it is not worth it. So I would support children of parents who are not normally resident in the Islands paying a fee, but not those children who are resident here merely because they do not possess Caymanian status.

Thank you.

MISS JANIE KIRKCONNELL BODDEN: Mr. President, since 1961 we had what is call free education. Prior to that I remember as a school girl going to school on a Monday morning and the teacher would call your name and you would say, "here, threepence". In other words if you did not have the threepence you would just say, "here", and finally we did get free education which has been a boon to the Cayman Islands. More or less in the generations, I would say for the last fifty years, we have been able to have people who at least can read and write and know the fundamentals of their A,B,C's as we used to call it.

Now, Mr. President, we have progressed. We have had schools properly equipped and through the efforts of the Presbyterian Church our first high school was started on the Island and it was duly supported by one and all. Now, Mr. President, I agree that we need education, but I do not agree that simply because a child or their parents do not have Caymanian status that they should be debarred from this privilege. In the first place it would cause segregation. The people who are here contribute to our welfare and morality. Take the Ministers in the church, those who have many children, they are not Caymanians by status, birth or otherwise. That is, as an Honourable Legislative Assembly it something to also think about. These children, I am sure, are not well provided for them to find a fee to pay their children's school fees, in my opinion, is not the correct thing.

I feel, Sir, that people who are living here and send their children here who do not contribute anything to our society, to our welfare in any way, and if they send their children here they should be asked to pay, but not children who are resident here because their

MISS ANNIE MICHAEL BODDEN (CONTINUING): parents work and those parents must be contributing something to our good otherwise they would not be here. We would not allow them to stay. We have a Protection Board and if they do that they are gone, so I am very sure if they were not contributing to our welfare they would not be allowed to stay.

Now, Mr. President, I am not arguing on that. Do you know what I feel we could do, if we are going to charge fees always every human being whose children go to school. Since we want money let us charge every child that goes to school. I am very sure there would be objections to that and I would not conscientiously say I would feel it a right thing to do. But, Mr. President, take this busing of children to school. In our days if we had to walk miles we had to go. We did not have any bus come to our door and pick us up. We had to carry our little piece of glass sandwiches, bread off a plum from the corner and drink on that. We did not have all the privileges that are given now and I feel that we could stop this amount of money that we now put to bus the children to school because on Saturdays when I stay at home, around mid-day, I see little children not much higher than that (measuring up and going past saying, 'Miss Annie we are going to the cinema ma'am". They can walk from George Town to the cinema at twelve o'clock mid-day so why cannot they walk to school?

Now we could save on that money, but I am sure there would be a horrible cry that Annie Bodden has advocated saving the expense of taking children to school. And I am not going to agree to this. We are going to cause a lot of segregation, handicap on the expatriates, as they are called (I call them non-Caymanians). They have come here to assist us and it is so little as we can give them since we are giving it to our own natives, who deserve it, and we should consider them also. Further, I have read and questioned this that when we award scholarships to people who are not Caymanians. I do not agree with that. I think that any child who is sent abroad, a young lady or a young gentleman, to be trained that they should have Caymanian status. Because when we advocate foreigners, as they are termed, they are not going to stay in Cayman the balance of their days. As soon as this boom goes down they are going to greener fields and that money we are not spending in the best interests of our country.

So, Mr. President, while I agree with on Education Law and if it needs improvement let us have it, but not at the price of taking those people who are here, they are making a living I am very sure, but they are also contributing to the good of our country. Let us not try to pressure them. Let us try to help and if we need money that badly, let us put it elsewhere. So I cannot and will not support this item here of children who do not domicile or not deemed to possess Caymanian status shall be charged the following fees - High School $110: Middle School $180: Primary $150. Let us eliminate that or let us charge every child who goes to school.

Mr. President, in every good today the most ordinary poor people have three or four cars lined up in their yards. Can you tell me that if I have children going to school that I could not take my car and load them at the school and bring them back? We depend too much on the Government. In our day, Mr. President, it was our duty to try to contribute and help our Government, but nowadays everything Government must pay for and I feel that education is a liability and a necessity and the only way in which we will ever get there, I would call them, generations of people brought up to the standard where they would be like we were, is to try to give them some kind of education and we are giving them every facility. When we are spending millions of dollars on education I feel that we are doing a noble part. But let us not do something that would hurt other people. Let us be generous, let us accept the fact that we need people here to come and assist us. This Island is not the whole world, it is a very little

MISS AGNES HUNTER BOGGAN (CONTINUING): not and we should be proud that we have people to the place where people feel that they will come here and assist. And let us not smear them. All we must have now is will come these carpetbaggers who come here. We do not want to hate them. We want to encourage them, we want to go like a big family and one of the first steps to insure that is to start saying, "Well, Mr. Minister please pray for your children; Mr. People from Minister pray for your children; Mr. Temple Stranger you pray for your children". It is not right and I object to this 1965, but the Education Law, as it is, I agree that we should have amendments if necessary, but let us delete this - talking about getting face which we do not need.

We are not that over off that we cannot take a little from this but seems we have to finance whatever attempts it is. And if not let us stop this meeting - that is what we should do.

Thank you.

MR. W. NORMAN HUTTON: Mr. President, one of the fine advantages of a democracy is that there is always room for a difference of opinion even among friends. We were told yesterday by the Honorable Financial Secretary in his Budget Address, that Government is spending more on education than any other single service in this country. And I believe that is justifiable. This is right, or, for any country, in my opinion, that does not attach importance or pay needful attention to improving or uplifting the people, in placing its country's future in jeopardy.

It is indeed gratifying to know the favourable results, but needless to say if these standards are to be maintained and we are to cope with future needs and expansion, large sums of money will have to continue to be made available to this department. It is my understanding, Mr. President, that a large percentage of the children attending our public schools are now deemed to belong more or Caymanian status. At the same time I have to say that I am conscious of the fact that there are those who can be considered as permanently resident in our community. And my point in this category it can be argued that the children of parents who have been here for years, not actually having Caymanian status, but who have made and are making a substantial contribution to our future and therefore should be eligible for special treatment and strict scrutiny. However, due to the possibility of different interpretations of the term ordinarily resident and in the interest of complete clarity any amendment necessary, I support the amendment as stated to apply to those who hold Caymanian status to be admitted free and those who do not to pay the prescribed fees.

The proposed fees are below what are payable in most private schools and certainly far below the cost of implementation that the children have to be sent abroad to study. I do believe in all sincerity that if the present situation is allowed to continue, feared though it be, that overcrowding will become a serious problem and continue to produce a further strain on the purses of our country. I do not find these amendments unreasonable, Mr. President, and as such I am therefore able to support this Bill.

Thank you.

MR. O. DILWYN FRANKS: Mr. President, I support this Bill. I know education is an essential thing in this Island and the money Government is spending on it is well spent. So far, as has been said here, taking the missing children investigation because we have to walk when we were going to school, I do agree, but I cannot see children walking from West Bay to George Town or from East End and Bodden Town to George Town to the High School. So we have to give them transportation.

These fees, Sir, I agree with it again because I am sure that if we were living in some other country we would have to pay fees there for our children to be educated. About the people and the circumstances who are living here, I do agree, but then they are living here

*HON. D. DALMAIN EBANKS (CONTINUING):* for their benefits too. They do not come here just because it is Cayman; they are making a living here or they would not be here. So I do agree wholeheartedly that a fee should be paid and I support this.

*HON. G. HAIG BODDEN:* Mr. President, the Bill before the House seeks to impose school fees on children not of Caymanian status. The public schools in Cayman have always been free, secondary education was first introduced by the churches and was not free. When Government took over the High School from the Presbyterian Church, Government was able to abolish school fees and so secondary education as well as primary education became free. However, today we have a new problem with costs. This new problem with education was highlighted in the budget debate. Education is costly in Cayman and the cost is rising at an alarming rate. It is for us a serious problem which it is the duty of this legislature to arrest. The Financial Secretary pointed out that in 1982 the Department of Education, for its recurrent expenditure, took 15.32% of Government's revenue. To Members really understand how serious this is when a single Department takes 15% of the recurrent revenue.

I have just completed a calculation which shows that the Department of Education took, in 1981, more money to run them all those other Departments put together - Public Works, Postal, Fire Service, Civil Aviation, Planning, Lands and Survey, Department of Agriculture, Legislative Department, Broadcasting, Social Services including Pensions and Welfare. If my addition is correct, these Departments took $4.7M of recurrent revenue in 1981 while the Department of Education took $4.8M in 1981. The Department of Education took $1M more to run than the Department of Health and Social Services. So we do have a problem which is escalating at a phenomenal rate.

If you look at the budget Address again you will see how fast the estimates are increasing. Capital Expenditure for education in 1982 increased 44% over the 1981 figures. Recurrent expenditure for education in 1981 increased 10% over the 1980 figures. Expenditure to buy books and equipment increased 84% over the 1980 figures. Administration went up 8% over the 1980 figures and if this continues for another ten years it will take more to run the Department of Education than it takes to run the entire system. It has been stated here that we have now reached a stage where the school system has so reached that it is now attracting children who would have gone to other schools in other parts of the world. Instead of sending a child to Jamaica or Canada or Britain for a secondary education people are now sending them to the Cayman Islands and this is putting a strain on it. We are faced with a situation where we employ a number of people from abroad and these people have children and the children are being housed here. One Member tried to get out of supporting this Bill by saying that he would support it if the charge was made to children who are not normally resident here, but he feels that children who are normally resident here should not pay.

But there is a fine distinction between those of Caymanian status and those of what we call normal residency. It is my firm opinion that a person who has given us his all to obtain Caymanian status is in a different position from a person who is merely serving a contract here because it suits them for two years or four years or six years. I believe that Cayman, like many other good countries, United States as an example, has been made up of people who have come from abroad and have brought their skills. But to us giving to the country these people have received much and when we accord upon them the symbol of Caymanian status they have become like a little plant which has been transplanted from the nursery bed with the moisture of civilization into a country where they can bloom and prosper. So it is a two-way street and now that we have this alarming situation where expenditure is rising in the Department of Education by a greater degree than in any other department, I think it is an obligation of the Members of the legislature to take steps whereby the increase can be slowed down to a degree by which the Government can cope with it.

Hon. A. HAIG KORDAH (CONTINUING): One Member said that what she would like to see is to charge every human being that sends their child to school. This is not necessary. I believe we have attacked this in the right area. I believe that if people of Non-Canadian status have children they will pay to send their children here the same as they would pay to send them anywhere else. Any Canadian child who goes abroad whether he goes to Jamaica or Canada or the United Kingdom has to pay for his secondary education - generally speaking. For it, it is not free - and if the Government is in a situation where it can afford free education to the local children that is well and good. Perhaps the time may come and it probably will come if the present trend continues that Government may have to charge even the local children who wish to pay more for the right.

One Member talked to busing in Guyana and seems to make people believe that busing is our problem. Busing is not a problem. Busing is a solution. If the mountain cannot come to Mohammed, Mohammed will have to go to the mountain. The High School cannot go up to Tan Jay and it cannot go up to Golden Town, neither can it go down to West Bay. We have to bring these children and the amazing part about it is that the very Members who are now standing against the busing of children are always advocates for busing within the Electoral to the primary schools and the secondary schools in George Town. I am not for busing within the Electorate and I feel strongly against it. Many times we have roadside meeting in Golden Town and perhaps gone and talks about the poor little children needing a bus to go to school. Why cannot they walk, energize is healthy? The children cannot walk from Golden Town to George Town and children cannot walk from North Side to the school in George Town and children cannot walk from West Bay. We must bus these children to these schools and Members who are now saying this have in the past been always advocating of busing within the Electorate to the primary schools.

If you look at the cost of busing you will see that in 1991 busing of school children took 4.3% of the total expenditure including recurrent and capital expenditure. And if we were to only under recurrent expenditure, Sunday tells about 6%. So busing is not the cause of the 50% increase in the vote for expenditure. Busing is not the cause and I said once before in this Chamber that I wish that the people in the busing business were not Members of the Legislature for that we could stop using busing as a political football.

The Sunday situation is one that has evolved well from the creation of the High School system. I can remember the days when children rode on the back of an open truck owned by the Member from North Side to get to the High School over here. Now we have an organized system that is working well and I will support it for all times and I will not allow it to be used as a scapegoat every time we talk about expenditure in education.

If you look at this you will see that the budgeted figure for busing is a total of $2851,001. But that total figure for 1992 also includes, apart from the bus transportation included in this vote, human sub-heads of Janitorial Services, Examination Personnel, Maintenance of Playing Fields, Transportation and Maintenance of Furniture. So where it is shown that one of the total expenditure is only being 6% for transportation is not a true figure. That 6% also includes, apart from the busing, Janitorial Services, Examination Expenses, Maintenance of Playing Fields, Maintenance of Furniture. Because the votes are lumped together I have no way of knowing what is the true figure, but I would imagine it would be like 6%.

Members are saying we should not bus the children. What is the alternative? Build a High School in each district? Where economic? Why each child a motorcar? Nonsense! There is no alternative to busing. The one alternative to Government busing would be a public reliable transportation system throughout the Island, or a private system of busing, and we are far from that.

HON. C. WAIT HONDRO (CONTINUING): ...but the question before the House is merely the ratification of fees. Here again commonsense has been used. The fees proposed are not exceptionally high. The engineers have one less than at some of the outer-island schools and the fee of $300 per term for a High School student is not a high fee. The fee of $200 for the Middle School is not a high fee. The fee of $150 per term for the Primary School is not a high fee. And so, Mr. President, I believe that we are not speaking a problem which, if we do not handle it, will continue to multiply. The numbers will continue to increase and we will soon have a situation where the quality of the school will have to deteriorate because Government will not be able to employ teachers so that the schools will have the proper ratio of teachers to students which is necessary for a school to function well. And we have to remember that the Budget Speech has pointed out that the public school system is now catering to some 5,200 children and as Queensmaids themselves have not really been a problem school, these children must be coming from elsewhere and I believe that we are tackling a problem which needs the support of many Members of this Legislature to not only sell the idea, but to educate the public in what is really happening to our educational system because we are certainly providing a freedom which nonetheless would not enjoy in their own countries. And I am one for providing services, but the members must be reasonable and they must be within the ability of Government to pay for them. Because nothing is free. Everything that the Government does for the public is with money that the Government has already taken from the public. And if the public had the ability to do these things for themselves they could be done much cheaper than the Government can do it. And I am sure behind this Bill and I hope that it will be understood and that it will not be taken that this is a Bill which discriminates against anybody because this is a common way of life. Anyone going abroad for an education has to pay for it.

If a child goes to England and becomes a resident there with his uncle or some, that child still has to pay the school fees in that country, and it is not free. And if you believe I am not telling you the truth you are free to remain, one of the former officers in the Education Department, recently retired, but resided in England was there had to pay. And each of that child was, as the Member stated about, somewhere resident there for this period with his aunt or whatever, that child had to pay because it was the system. And I believe that we must not try to make of this important section which is before this House by saying that I would support it if so and so can or and so and so, because this is not the fact of life and I would like to say, Mr. President, that I am all for surrounding this Bill.

HON. ANITA ROBLE ROOTOH: Mr. President, Sir, with your permission I should like to make a statement. And my statement was this, I am not against housing. I said if I have a son I should take my child to school and also that myself. I would not expect the children from Manu'a and to walk to Aggey from. I am a sound, sane, sensible woman and I did not make my statement that housing should be put out altogether. I abstained for housing to Aggey from for people who live far out.....

Thank you, Sir.

MR. PRESIDENT: The Honourable Member must not make a long speech in making a statement.

HON. MARY S. KINGDOM: Mr. President, I am proud of our educational system here in the Ocumen Islands. I realize with great satisfaction it is making more funds any of these small assessments against these students can ensure that the children of the Ocumen Islands will obtain education on the standard that they are now able to do. I feel it is my duty to support this motion.

I also realize the children of school age receive other benefits in this territory free that they do not in most other

CAPT. MARY J. KIRKWOOD (CONTINUED): Constituent countries. So this small contribution to the Islands will certainly ensure that the future generations will have the education to carry on their work to this Government in the manner that we hope it will.

Thank you, Sir.

HON. THOMAS M. REDDIN: Mr. President, one of the main criticisms of a law is certainty and that is why I think that the honourable gentleman Member from George Town has hit very clearly on one of the fundamental problems of this amendment to the Law. One of the most sensitive things in immigration laws, I know, or I believe I know where this whole question of ordinary residence has come from. It is a part of regulation 4 of the Health Services Rent Regulations 1975 that was passed on the 6th of December, 1975. That gives a meaning for persons not ordinarily resident.

Well, when that amendment came through Cabinet Members at that stage may have believed that they knew with some certainty what was ordinary residence, but as one lawyer (and I guess nearly anyone at this stage) will appreciate the question of ordinary residence is not of a highly complex legal nature and it is one that has been known to come with the English authorities stretching from a person who is born overseas and has made his home in a country, absenting from the country for a time, returning to the country one day after having his country with no intention of returning to persons who have been in a country for twenty years and not been ordinarily resident. I do not believe that when the Caymanian Protection Law was passed that the uncertainty of the words "ordinarily resident" and "domicile" were looked at from the critical point of whether they were certain or not.

I, while acting Attorney General, appeared before the High Court here and it was unfortunately, I believe I dealt with it I may not have in the Court of Appeal on the question of what is doubtful, but the circumstances around that and around the words ordinarily resident were not terribly clear at that stage. It came back simply to certain principles that existed between the person, the facts surrounding the person, what the intentions of the person was for, whether it related to tax laws, to laws relating to matrimonial matters, laws relating to nationality and these were all different. So I do not think there is any Member within this Chamber who can take anyone and come to the same decision on it that another Member would come to. It is then wide and that discretionary if you want to use the word a decision. But it is highly technical, highly legal and undoubtedly it is not fully understood by the ordinary person. So to alter this to ordinary residence, one would be faced with who would decide ordinary residence. Do we clutter the courts of this country further with a matter that is uncertain and produce a law which, on its approval, cannot reasonably and suitably be interpreted or do we create another tribunal to decide on what is ordinary residence? This surely must be a waste of public funds, a waste of mental energy when we are trying to use a criteria which has been taken out of an other law which is in a state of uncertainty at this time.

So I think that the Hon. Minister Member for George Town has hit the reality on what is necessary in a law, he clearly understands that, and the way the law has been drafted is one which makes for certainty. We know whether a person has Caymanian status or does not have Caymanian status. But every single Member of this fifteen Members in this Chamber would, I believe, come up with different decisions if they had to decide what is ordinary residence on a given set of facts.

The comment relating to the question of children being eighteen years old and losing status is a very clear indication that there was uncertainty under what is now 16(1)(d) of the Immigration Law when it was passed. The Court of Appeal has subsequently decided that that section is not what the Legislature at that time may have believed it to be. It decided that that is a minority section and therefore it does not grant status as a right, but until a child reaches eighteen and that is the way it is in every other country and it decided that following on to the

HON. MRS. [illegible] (CONTINUING): 1968 law and moving backwards to the 1948 and I think on to the 1934. So that is another area of uncertainty. We have a law now and why cloud it with further uncertainty? You have the matters trying to figure out ordinary residence or some clerk inside the hospital -- or we take and put one of them inside each of the schools now to make some decision on that or should the Chief Education Officer make it or who?

So I would say, what is here is an escape some certainty. If a person has status they have a right to stay for it and there can be no doubt about it.

The Third Elected Member for George Town, the Lady Member, dealt with the problem to the north. When we came out to this Assembly they charged me with responsibility to the tenant and the laborer and my duty very clearly relates to that. Areas of the north I am not all that taught to know about. I take cognizance of the fact, but my duty is to deal with the present and the future. And the fact was to tell people, including expatriates in this country, feel that they are expected to pay fees for their children because that is an understanding principle in their own country.

I think the Fourth Executive Council Member dealt effectively with housing. You cannot take and put a high school in each district so you have to bus the children there. It would not only be uneconomical, but the schools would deteriorate in standard because it is just not possible to provide the amount of teachers that are necessary for the individual subjects and the individual approach that is given in those schools. And I certainly would not support that what must apply to nationals of a country must apply to non-nationals. There is no country that you can point to, whether socialist, communist or otherwise, which has that principle otherwise it would not make sense for a person to get Caymanian status. What would they get at the end of the day if they had nothing to gain?

A very good example, one would find here many, many people here who have only been here for about months would be continually residents and it would be a waste of time to really types this on. You have a lot of people here on a short basis to schools, for instance, Civil Servants, people in banks and trust companies and they do not mind, I am sure, saying because I have talked to many of them. There are some who naturally do not want to now for anything, but they enter in Cayman and whether they are nationals of here or nationals of other countries, that person I am afraid exists. You just are not lucky it is not as though we are imposing fees which someone cannot pay for. We are a multi-race from various which has been assembled over many periods of years, from Caymanians mainly. We are receiving the information at this stage of re-established school fees we are not even charging the full amount. There are certain in the area of 450 children throughout the school system that will be caught under this, there may be some more, there may be a few less - I doubt if there are any less - and it is a substantial amount.

If you look at the position in other countries and the underlying fundamental principle here, you will see that the United Kingdom for example will not admit a student to a school unless he shows a certain of residence within that country. It is not a question of paying fees, they will not admit them. I mean we have, I think, recently within this legislature as a previous Member who had grandchildren who were coming down they just would not admit them and this is the same in other countries. In the United States you pay one fee if you are from that State, you pay a higher fee if you are from another State and if you are from abroad you pay two times what the person in that State would pay. There is nothing wrong with this, but we have gone beyond what many countries do to provide education services, but we are really saying you must pay for that.

HON. THOMAS M. BODDEN (CONTINUING): Perhaps the problem that we face is that we have introduced a system of education which has now reached an extremely high standard and the price we pay for that is that it is inevitable that children should outgrow it. Back a few years ago many children were sent abroad, but with the results that I think there can be no doubt that that trend has been reversed and while people will continue to send children abroad, it is their right, it normally is not because they cannot be provided with the facilities locally. We have had people in other countries wanting to send their children here to school and this is a trend which has only begun recently. So the price we are paying for providing the high standard of education in this country is that we have had the school system increased with number of students. From the survey which this Legislature and other persons who had been involved in the education system where the High School had about 1,000 and odd children, in just two or three years ago, to where the combined High School and Middle School is now close to 2,000 children. When I said this three years ago there was a lot of laughter, but this is now a fact and having split 600 out into the Middle School, both schools are now manageable. But many of these children have been put in here because the standard has increased and because no longer are we having the children, frankly I would say sometimes children of sometimes parents, being sent abroad. And I feel that what has been put here is justifiable. Like every good thing you pay for it and this is the thing that I constantly tell the people and I tell this House, if you want results you pay for it. There is no short cut to trying for it and in due course I believe that the remainder of areas in my Portfolio the standard will be improved to this. But you are going to have to pay for it... And I think once that is understood and this Government generates the cash and the available simplus, as they have done in the past, hopefully now with the help of many of the Members who have assisted it in the past, then they will very clearly see that enactments such as this are in line internationally. Once are reasonable, people do not mind paying them and most of everything they would learn to be good legislators and maybe legislation which is serious.

Thank you.

MR. PRESIDENT: I will interrupt the debate at this point to take a short suspension of fifteen minutes.

AT 11:38 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:58 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The debate on The Education (Amendment) Bill, 1981 continues. Is any other Members wish to speak? If not.....

MR. J. CAETON SMITH: Mr. President, I have listened very carefully this morning to the debates and much has been said on the pros and cons to these amendments. The Bill before us here today, Mr. President, seeks to introduce school fees at Government schools for children who do not possess or are not deemed to possess Caymanian status.

One very important point that disturbs me, Mr. President, is to see the sudden influx of foreign children. As you will see cases I encounter in the western district and I have to wonder many times, Mr. President, what is really happening. Just about every month I notice about twelve or fifteen new faces. And what I am trying to say, Mr. President, is that Government cannot continue on this present course. Many times our own native children are deprived of their privileges in this country.

HON. T. GARSTON SMITH (CONTINUING): As has been rightfully said here this morning many times, Mr. President, I believe in paying my way. If I send my children to another country I must be prepared to pay for that scholarship.

Mr. President, I do not find the amendment before us this morning unreasonable. And I feel, Sir, that any good, loyal citizen, whether he be expatriate or whether he be Caymanian, will look at this in this manner that they want to contribute all they can to this country. I will make my contribution very brief, Mr. President, by saying that we have come a long way as far as education in this Island. We have a great thing going and we must preserve it.

I thank you very much, Mr. President.

MR. PRESIDENT: If there are no further speakers, does the Honourable mover wish to reply?

HON. T. G. JOHNSON: Mr. President, in presenting this new measure in the Furlyn Address I said the question of imposing a school fee on children not of Caymanian status has raised eyebrows in the past. As much has been said for and against such a policy.

We have heard from the Select Committee this morning, although the majority was in favour of the recommendation in the Bill, that the imposition of a school fee is not altogether supported. It is perhaps so, Mr. President, it is probably not a nice thing to make Caymanians in question for people who live here, but there are times when circumstances require the Government to give fresh consideration to past policies. I should say that the increases in the present system of taxation will mention, in the not too distant future, reach a saturation point when the Government will, of necessity, need to diversify new avenues of taxation and I am sure that if we are to maintain the present policies which support the present economics, that it will not be in the best interest to think about any of the direct forms of taxation such as income tax. And therefore at this early stage it might be a reasonable proposition to begin looking at identifying new areas of taxation.

The Government bench has already many of the points raised in connection in this Bill and I am very thankful to them for that. When the level of fee are being examined, Mr. President, we had into consideration that although in other countries school fees apply to all children, there are distinctions in the level of fee between residents and foreign students, that here in the Cayman Islands we were not applying school fees generally across the board to all children. We mention that the position here would be fee to local children and a charge to children of non-Caymanian status. And so the level of that fee was carefully determined.

If we were to put forward a fee which would represent the actual cost of each student in either the primary, the secondary school or the high school, I dare say that the charge would be very much more than what is mentioned here. So, Mr. President, it is not that we pulled a figure out of the air and now wondering whether we are charging too much in these circumstances. I can assure you the actual cost of a child attending the high school would be at least six, seven times what we are charging here.

The fee is very small. The school has lack of provisions in recent times for the academic achievement and the standard. Those expatriates who are not of Caymanian status, ordinarily resident in the Cayman Islands, would send their children abroad to be educated. Many of these parents today, Mr. President, have decided to send their children to the local schools because of the standard they have achieved and I would dare say that the small charge which is being made in this law would be less than the airfare which these parents would pay for their children going abroad, especially to the United Kingdom.

HON. V. G. JOHNSON (CONTINUING): When the term 'ordinarily resident' was used in this Budget Address, it was used purely for the purpose of the Address and is not in relevance to any legal interpretation between the children as far as fees are concerned like with the Caymanian status. Those who are of Caymanian status will enjoy free tuition. Those who are not will pay a fee. So it does not matter as far as the expression 'ordinarily resident' is concerned.

I could rest and my remarks without saying a word on transportation. However I was always a strong advocate that because the school system here up to secondary level, all that pertains on the Cayman Islands, as they, it was my view that parents should at least make some small bit of contribution to the education of their children and that they should make that contribution towards transportation. But of course unfortunately the view was always different. Mr. President, the question of transportation was clearly stated by the Government bench. In 1970 when the new education policy was being studied the question of whether secondary schools would be exempt from all the districts was considered. It was thought that it would be a very strenuous proposition from the point of view of staffing the schools and equipping the schools, and it was thought that the principle of undertaking a central university system and paying for the transportation of the children to the central school would be far more economical to Government than to subsidize single suite in all the districts. And so the policy, whereby Government pays transportation, was decided and adopted back in those days. My view does have nothing to do with this, but as a Legislator I could not resist the thinking, along the line that parents should make some contribution towards education.

Mr. President, I am very grateful to all the members who spoke and for their contribution in supporting this bill, an amendment to the Cayman Islands Education Law to introduce school fees in all the schools of Government. I would hope that those parents who must from the 1st of January pay these fees will not do so with any great exception, but will understand the purpose and the reason behind it, and that they will do so in that interest.

I recommend the second reading of the Bill, Mr. President, and would ask Members to give it their full support.

Thank you, Sir.

MR. PRESIDENT: The question is that a Bill entitled "The Cayman Islands Education (Amendment) Bill, 1981" be now read the second time.

QUESTION PUT: AGREED. BILL READ A SECOND READING.

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1981

FIRST READING

CLERK: The Tourist Accommodation (Taxation) (Amendment) Bill, 1981.

MR. PRESIDENT: A Bill intituled "The Tourist Accommodation (Taxation) (Amendment) Bill, 1981" is deemed to have been read the first time and to be set down for a second reading. This will involve suspension of certain Standing Orders to allow us to proceed.

SECOND READING

CLERK: The Tourist Accommodation (Taxation) (Amendment) Bill, 1981.

## SUSPENSION OF STANDING ORDERS 46(1), 46(2) AND 46(4)

HON. V. G. JOHNSON: Mr. President, I would like to move suspension of Standing Orders 46(1), 46(2) and 46(4) in order to introduce a bill entitled "The Tourist Accommodation (Taxation) (Amendment) Bill, 1981". The purpose for the suspension of these Standing Orders, Mr. President, is the same as the reason given for the earlier Bill, The Cayman Islands Education Bill, 1981, and that is simply because the bills were not given the time required for a publication as required by these Standing Orders.

MR. PRESIDENT: The question is that Standing Orders 46(1), 46(2) and 46(4) should be suspended for the purpose of introducing The Tourist Accommodation (Taxation) (Amendment) Bill, 1981.

The motion is open for debate.

If there is no debate I will put the question.

QUESTION PUT: AYES AND NOES

MR. SPEAKER: The "Ayes" have it. The Honourable Member may proceed.

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, the second reading of a bill entitled "The Tourist Accommodation (Taxation) (Amendment) Bill, 1981".

Mr. President, this is a very tiny Bill and the tax which it is proposing to increase is fairly small as well. It is proposing to increase tourist accommodation tax from 5% to 7%. In terms of revenue, Mr. President, this means an additional sum of slightly over $100,000.00.

It was found necessary to put forward this proposal and I am sorry that it was not mentioned in the Budget Address simply because the preparation of it was not in time to be included. The compilation was after the Budget Address was prepared.

It is thought, Mr. President, that the training of personnel for the industry is another requirement which is badly needed in order for the contribution which had been promised by the hotel industry is not forthcoming. And because of that it was thought that this small tax, which is in fact not going to be paid by the hotels but by their guests, would compensate for the present level of expenditure by Government for the Hotel Training School. I doubt very much that the hotels will have anything to say about this because some time ago the tax was 7%. It was reduced to 5% when tax on the interest of land was removed. Therefore the 2% which they will be asked to pay now is still below that 7%.

I would therefore recommend the Bill to this Honourable House and to ask Members to give it their full support.

Thank you, Sir.

MR. SPEAKER: The question is that a Bill entitled "The Tourist Accommodation (Taxation) (Amendment) Bill, 1981" be now read the second time.

The motion is open for debate.

Does any Member wish to speak on this motion? If not I will put the question.

QUESTION PUT: AYES, BILL GIVEN A SECOND READING.

## THE CURRENCY (AMENDMENT) BILL, 1981

### FIRST READING

CLERK: The Currency (Amendment) Bill, 1981.

MR. SPEAKER: A Bill entitled "The Currency (Amendment) Bill, 1981" is deemed to have been read the first time and is set down for the second reading.

### SECOND READING

CLERK: The Currency (Amendment) Bill, 1981.

HON. V. C. BRAMBLE: Mr. President, I beg to move, Sir, the second reading of a Bill entitled "The Currency (Amendment) Bill, 1981".

Mention was also made of this proposed amendment to the Currency Law, 1972 in the Budget Address, Mr. President. The main purpose for this Bill, at the move time we announced a few other minor amendments, was to recommend measures to obtain the Govt's liability on the redemption of numismatic coins.

The Govt began issuing numismatic coins back in 1972, the year that the system was established and from that time it had been the concern of the Govt that these coins were being issued and there was no proper authority under the Law to cover the amount on face value of these coins as in the case of the ordinary circulating coins which were covered to the extent of their face value. It was not possible to cover the numismatic coins to the extent of their face value because the royalty which is paid on these coins is far below the face value.

The procedure of purchasing, marketing and selling numismatic coins is financed entirely by the Commissions and the Govt is not involved in neither the Govt nor Government is responsible for any of the initial cost of these issues. All that happens is that the promoter purchases these coins, sells them and pays to Government a portion of the returns. It was always the idea that these coins are very valuable coins because the purpose of minting is that the metal quality is purchased with a very high premium and this premium on these coins is quite a lot, and by the time the coins are sold for marketing the price exceeds the face value. Therefore, these coins, once they are sold, once they are put in circulation by numismatists they become so valuable that there is no way that anyone can buy them at face value. If they are presented for redemption to the Govt we would be more than happy to buy them because immediately they could be re-sold at a premium.

So the moment of the numismatic purposes is that these coins go into hoarding and never again be returned to circulation to become a liability to the Govt for redemption purposes. However, the Law must make some provision for covering the liability of these coins and what we are saying in this Law is that we will create a reserve which is not less than 10% of the face value of these coins, and that that reserve will apply to all coins whether they are ordinary circulating coins or whether they are numismatic coins. By that stipulation it means that all the royalty and all the other income which the Govt receives for these coins can be put into that reserve because the reserve account has no upward limit. What it does not tell you is that the reserve is in accordance with the Law.

What is being proposed is that the royalty received from these coins to date, which is still given as an asset of the Govt, will go into reserve. The present amount is in the vicinity of $2.5M. That will be put immediately into this reserve and it will be more than 10%. And that will satisfy the legal amount of the coins proposed

HON. V. G. JOHNSON (CONTINUING): so that the anomaly of the gains can still now be remedied.

In proceeding this amendment it was also brought that quite apart from the royalty which is received from these numismatic coins, face value of which has now risen to one $100, that there is a value in the metal from which these coins are made - gold and silver. And the law is necessary, in section 7 of the amendment law, to provide, if this becomes necessary, an arrangement whereby the Board can assess the bullion contents of these coins and give it a market value for purposes of accounts or the balance sheet or whatever it may be; but that the value of that bullion content should not exceed the face value or nominal value of the coin.

It may become necessary, in the future, to do this if there is a need to show in the balance sheet the true value of your currency in circulation, and while these coins may be in bullion or in collections never to be put in circulation, they are nevertheless recorded in the register of the Common Fund and they are known to currency in circulation. The numismatic coin has been issued but has not been declared legal tender in the Cayman Islands.

The other amendments of this law, section 4, is proposing just a minor amendment to substitute "may" for "shall". "Shall" was a typographical error which is being amended. Section 5 is making an amendment so that section 12 can be so declared that authority may be given by the Governor in Council. At the present it says that the authority under this section may be specified by proclamation issued by the Governor with the approval of the Secretary of State. What we are seeking to do here is to see that the approval must be given by the Secretary of State and omitting 'specified by proclamation' because it was discovered that most of these orders failed the normal course of being approved by the Secretary of State. Section 6 is amending section 17(1) of the principle law by including the proviso section. It is allowing, in that proviso section, that allowance can be made for payment from the Board of the face value of the coins which had been proclaimed as not legal tender in the Cayman Islands.

Mr. President, as I said the main purpose of the Bill is to provide for the redemption of numismatic coins if at any time there is a liability for redemption. And there other minor amendments were requests made by the Board to cross the law a bit. I therefore recommend the Bill to Members. As I said it is a Bill that should have been presented here from a little while ago, but it has been under consideration for the past few years it has been knowledge between here and the Bank of England, the Foreign and Commonwealth Office, and we would not attempt to present it here until it had been completely satisfied by London and the Bank of England. They have now returned it and thought that the recommendations here are reasonable and just. I therefore recommend the Bill to you.

MR. PRESIDENT: The question is that a Bill intitaled "The Currency (Amendment) Bill, 1981" be now read the second time.

The motion is open for debate.

Are there any speakers on this motion?

If not I will put the question.

QUESTION PUT. AGREED. BILL READ A SECOND READING.

MR. PRESIDENT: The Assembly will now resolve itself into Committee to deal with the first two Bills on the Order Paper.

COMMITTEE

MR. CHAIRMAN: The Assembly is in Committee. We turn first to the Bill intitaled "The Cayman Islands Monetary (Amendment) Bill, 1981".

THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1981

CLERK: CLAUSE 1 - Short title and date of commencement.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 WAS PASSED.

CLERK: CLAUSE 2 - Amendment of section 3 of the Ordinance.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 WAS PASSED.

CLERK: CLAUSE 3 - Amendment of section 21.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 WAS PASSED.

CLERK: CLAUSE 4 - Insertion of new section 21A.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 WAS PASSED.

CLERK: CLAUSE 5 - Amendment of section 22.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 WAS PASSED.

CLERK: A Bill to amend The Cayman Islands Education Law, 1966.

MR. CHAIRMAN: The question is that the title do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That completes examination of a Bill entitled "The Cayman Islands Education (Amendment) Bill, 1981". We turn next to "The Tourist Accommodation (Taxation) (Amendment) Bill, 1981".

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1981

CLERK: CLAUSE 1 - Short title and date of commencement.

MR. CHAIRMAN : The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 WAS PASSED.

CLERK: CLAUSE 2 - Amendment of section 3.

MR. CHAIRMAN : The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 WAS PASSED.

CLERK: A Law to amend The Tourist Accommodation (Taxation) Law (Revised).

MR. CHAIRMAN : The question is that the title do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN : That concludes consideration of the Bill and concludes proceedings in Committee this morning. Proceedings will be resumed.

MR. D. H. ROBINS: Mr. Chairman may I suggest that if we're with the approval of the rest of the Members that we just do the third reading of these two and since the two Bills are non-controversial we could do it and then we will not have to come back this afternoon.

MR. CHAIRMAN : If Members are prepared to go ahead with "The Currency (Amendment) Bill, 1971" we could take that as well this morning. We turn now to "The Currency (Amendment) Bill, 1971".

THE CURRENCY (AMENDMENT) BILL, 1971

CLERK: CLAUSE 1 - Short title.

MR. CHAIRMAN : The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 WAS PASSED.

CLERK: CLAUSE 2 - Amendment of 3(3) of Law I of 1974.

MR. CHAIRMAN : The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 WAS PASSED.

CLERK: CLAUSE 3 - Amendment of section 5, subsection 2.

MR. CHAIRMAN : The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 WAS PASSED.

CLERK: CLAUSE 4 - Amendment of section 6.

MR. CHAIRMAN : The question is that Clause 4 do stand part of the Bill.

QUESTION PUT. AGREED. CLAUSE 4 WAS PASSED.

CLERK: CLAUSE 5 - Amendment of section 25.

MR. CHAIRMAN : The question is that Clause 5 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 WAS PASSED.

CLERK: CLAUSE 6 - Amendment of section 27.

MR. CHAIRMAN : The question is that Clause 6 do stand part of the Bill.

QUESTION PUT. AGREED. CLAUSE 6 WAS PASSED.

CLERK: A Law to amend The Currency Law, 1971.

MR. CHAIRMAN : The question is that the title do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN : This really does finish proceedings in Committee. Proceedings will resume.

HOUSE RESUMED

MR. PRESIDENT: Perhaps the First Official Member might move a motion to suspend Standing Order 47 on all three Bills to be taken.

HON. V. G. JOHNSON: Before the suspending, Sir, or after?

MR. PRESIDENT: We can Report the Bills first and then the First Official Member might move a motion to suspend Standing Order 47 for all three Bills.

SECOND READING

THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1981

HON. V. G. JOHNSON: Mr. President, I have to report, Sir, that a Bill entitled "The Cayman Islands Education (Amendment) Bill, 1981" was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill has been duly reported and is set down for the third reading.

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1981

HON. V. G. JOHNSON: Mr. President, I have to report, Sir, that a Bill entitled "The Tourist Accommodation (Taxation) (Amendment) Bill, 1981" was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill has been duly reported and is set down for the third reading.

THE CURRENCY (AMENDMENT) BILL, 1981

HON. V. G. JOHNSON: Mr. President, I have to report, Sir, that a Bill entitled "The Currency (Amendment) Bill, 1981" was considered clause by clause by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill has been duly reported and is now ready for the third reading.

SUSPENSION OF STANDING ORDER 47

HON. T. R. FORTNUM: Mr. President, I would like to move the suspension of Standing Order 47 to allow the third reading of three Bills, Sir - "The Cayman Islands Education (Amendment) Bill, 1981", "The Tourist Accommodation (Taxation) (Amendment) Bill, 1981" and "The Currency (Amendment) Bill, 1981".

MR. PRESIDENT: It is moved that Standing Order 47 be suspended to permit the third reading of the three Bills on the Order Paper. The motion is open for debate. If there is no debate I will put the question.

QUESTION PUT: AGREED, SUSPENDING ORDER 47 SUSPENDED.

MR. PRESIDENT: We may proceed with the third reading.

THIRD READING

THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1981

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled "The Cayman Islands Education (Amendment) Bill, 1981" be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill intituled "The Cayman Islands Education (Amendment) Bill, 1981" be given a third reading and passed.

QUESTION PUT: AGREED, BILL GIVEN A THIRD READING AND PASSED.

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1981

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled "The Tourist Accommodation (Taxation) (Amendment) Bill, 1981" be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill intituled "The Tourist Accommodation (Taxation) (Amendment) Bill, 1981" be given a third reading and passed.

QUESTION PUT: AGREED, BILL GIVEN A THIRD READING AND PASSED.

THE CURRENCY (AMENDMENT) BILL, 1981

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled "The Currency (Amendment) Bill, 1981" be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill intituled "The Currency (Amendment) Bill, 1981" be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

GOVERNMENT MOTION NO. 8

DEVELOPMENT PLAN 1977, RESOLUTION FOR AMENDMENT
(Deferred from the Fourth Meeting of the Legislative Assembly held 14th October, 1981)

HON. JOHN B. MCLEAN: Mr. President, I beg to move a resolution to amend the Development Plan 1977 which reads as follows -

"BE IT RESOLVED by this Legislative Assembly, pursuant to the powers conferred on it by subsection (2) of section 7 and subsection (1) of section 8 of the Development and Planning Law (revised), that the Development Plan 1977 (being the plan referred to in subsection (1) of section 5 of the Law) be this day altered by re-zoning from "low density residential" to "hotel and tourist-related" the area in the Plan Palm Heights (Hamilton) development edged in blue on the plan annexed to this resolution."

Mr. President, the development mentioned in this resolution is a very interesting and important one to this country. It is one that we cannot afford to lose at this stage. It is for this reason that this resolution is presented here and all Members of this Assembly have been acquainted with the situation and I am hopeful that they will support it as is.

When the Development Plan was made the area mentioned was zoned as low density residential. But in the fact that the Seven Mile Beach has become exhausted, I feel it is quite reasonable for us to look to other areas and this one mentioned here I feel is a solution. Again I ask Members to support this resolution.

MR. SPEAKER: The question is, "BE IT RESOLVED by this Legislative Assembly, pursuant to the powers conferred on it by subsection (2) of section 7 and subsection (1) of section 8 of the Development and Planning Law (Revised), that the Development Plan 1977 (being the plan referred to in subsection (1) of section 5 of the Law) be this day altered by re-zoning from "low density residential" to "hotel and tourist-related" the area in the Plan Palm Heights (Hamilton) development edged in blue on the plan annexed to this resolution".

The motion is open for debate.

If there are no speakers I will put the question.

QUESTION PUT: AGREED. MOTION CARRIED.

GOVERNMENT MOTION NO. 9

MEMBERSHIP OF THE LIQUOR LICENSING BOARDS
OF GRAND CAYMAN AND THE SISTER ISLANDS

HON. JAMES M. BODDEN: Mr. President, I move Government Motion No. 9 - "Membership of the Liquor Licensing Boards of Grand Cayman and the Sister Islands".

HON. EDGAR M. DOBSON (CONTINUED):

WHEREAS it is now necessary for appointments to be made to the Eleven Licensing Boards of Grand Cayman and the Lesser Islands for the year 1948.

BE IT RESOLVED that the following persons be nominated by the Legislative Assembly.

For the Eleven Licensing Board of Grand Cayman

Mr. Ormsbee Hanks, JP
Mr. J. Cureton Smith
Mr. W. Norman Bodden, MBE

For the Eleven Licensing Board of the Lesser Islands

Capt. Charles L. McConnell
Capt. Selby Ebanks

MR. PRESIDENT: The question is, "BE IT RESOLVED that the following persons be nominated by the Legislative Assembly for the Eleven Licensing Board of Grand Cayman - Mr. Ormsbee Hanks, JP, Mr. J. Cureton Smith, Mr. W. Norman Bodden, MBE; for the Eleven Licensing Board of the Lesser Islands - Capt. Charles L. McConnell, Capt. Selby Ebanks".

The motion is open for debate.

MAJOR ALDEN MCLEAN POMEROY: Mr. President, I would like to recommend and move that all the Members on both Islands be nominated for the coming year 1948, Sir. I think that we could not make any better selection.

MR. PRESIDENT: I will put that question on the Motion.

QUESTION PUT: CARRIED. MOTION CARRIED.

MR. PRESIDENT: That concludes our business on the Order Paper.

ADJOURNMENT

HON. A. H. FOSTER: Mr. President, I move the adjournment of this House until Nine o'clock tomorrow morning, Sir.

MR. PRESIDENT: The question is that this House do now adjourn, but I have been advised by the Clerk that an hon. Member of one of the official business outside the debate on the Budget and questions of course which can be taken at any day in future. Members might like to adjourn until Monday morning to give them time to examine the Budget Speech. Shall that meet the will of the House?

I will put the question that this House do now adjourn.

QUESTION PUT: CARRIED. AT 3.40 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M. MONDAY THE 22ND OF NOVEMBER, 1937.

# NOVEMBER SESSION AND
# FIFTH MEETING OF THE (1983) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON MONDAY, 23RD NOVEMBER
1992

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CMG, CBE, - PRESIDENT

## GOVERNMENT MEMBERS

| | |
|---|---|
| HON D R FOSTER, CBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS |
| HON D R HARWICK, CBE, JP | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| * HON V C JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON JOHN B MCLEAN | MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM, DEVELOPMENT AND SPORTS |
| HON G HAIG BODDEN | MEMBER FOR COMMUNICATIONS & WORKS |

## ELECTED MEMBERS

| | |
|---|---|
| ** MR J GLESTON SMITH | FIRST ELECTED MEMBER FOR THE NORTH ELECTORAL DISTRICT OF WEST BAY |
| MR D KALMAIN EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR HENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR W MCKEEVA BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MRS ANNIE HULDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| CAPT MARY C KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| MR CRADDOCK EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

* Leaving at 2:25 for the p.m. session.
** Leaving at 3:40 for the p.m. session.

ORDER OF THE DAY

THIRD DAY

MONDAY, 23RD NOVEMBER, 1981

10:00 A.M.

1. (a) REPORT OF THE FINANCE COMMITTEE
(Meeting held 12th November, 1981)

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, HON V G JOHNSON, OBE, JP.

(b) REPORT OF THE BUSINESS COMMITTEE
(Meeting held 20th November, 1981)

TO BE LAID ON THE TABLE BY THE FIRST ELECTED MEMBER FOR THE BRAC AND CHAIRMAN OF THE BUSINESS COMMITTEE, CAPT CHARLES L KIRKCONNELL.

2. QUESTIONS:

CAPT CHARLES L KIRKCONNELL OF THE BRAC ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND PORTS

(Deferred from Thursday the 19th of November, 1981 as the Honourable James M Bodden was not present at the time of question.)

NO.57: A sum of $150,000 was provided in the 1981 Estimates for a study to produce a 10 year Tourism Master Plan for the Cayman Islands.

Will the Member state:
(a) whether or not this plan has been received?
(b) will it be tabled or made available to Members of the Legislative Assembly?

NO.58: Will the Member state the average amount spent per day by each tourist arriving by:

(a) Air?
(b) Sea?

MISS ANNIE HUDLE BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.59: Is any move being made to nationalise Caribbean Utilities Co Ltd and when will this present franchise expire?

MISS ANNIE HUDLE BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.61: Will the Member state whether the Hospital has been cleared from the contamination which caused the operating theatre to be inoperable?

NO.62: Will the Member state whether Government has any financial interest in the International College of the Cayman Islands, Newlands, and if the answer is in the affirmative will he state the amount?

CAPT CHARLES L KIRKCONNELL OF THE BRAC ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.63: Will the Member state when Government will introduce a Building Code?

4. GOVERNMENT BUSINESS:

(i) BILLS:

FIRST READING

THE [illegible] (AMENDMENT) (NO.2) LAW, 1981

(ii) DEBATE ON THE BUDGET ADDRESS

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MONDAY, 23RD NOVEMBER, 1981

10:00 A.M.

MR. PRESIDENT — Please be seated. Proceedings are resumed

REPORT OF THE FINANCE COMMITTEE (Meeting held 12th November, 1981) LAID ON THE TABLE

HON. V. C. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House, Report of Finance Committee of a meeting held on the 12th of November, 1981.

MR. PRESIDENT: So ordered.

HON. V. C. JOHNSON: Mr. President, the meeting of Finance Committee on the 12th of November, 1981, considered a number of requests for Government's financing. The first was request for a contribution from Government towards a loan repayment on the Cayman Airways Loan which was due on the 16th of November, 1981. The principal and interest of that loan repayment, Mr. President, was in the amount of $1,705,682 (US). The airline was able to contribute towards the principal repayment, US$200,000. Government was therefore requested to contribute the difference of US$1,705,682 equivalent to CI$1,421,35.

The airline, Mr. President, pointed out that it was not able to make a larger contribution towards this payment because of difficulties which it had encountered in recent times due to engine problems, grounding aircraft, which eventually proved to be a very expensive thing to the airline. Some of those engine repairs cost quite a lot of money.

Finance Committee approved the request and the funds were released through Cayman Air Holdings Limited. Other requests, Mr. President, were in respect of reclassifications by Heads of Government Accommodation. Finance and Development made two requests, one for Commutations, $10,000 and the other for Additional Gratuities to Contractual Officers $600,000. There is an item on the Report under Item 6 which says Head 21 - Pensions - Contracted Officers, that should be amended, Mr. President to Head 14 - Item 21, Gratuities - Contracted Officers. It is a payment made under Finance and Development.

Another request was from the Department of Agriculture requesting additional funds to meet cost of labour used in the field. The other request came from Public Works for street lighting.

The total sum which was approved or recommended by Finance Committee for approval here is CI$1,335,497.25 and I would now, Mr. President, recommend adoption of this Report to authorize these expenditures.

Thank you Sir.

MR. PRESIDENT: The question is that a Report of Finance Committee at a meeting held on the 12th of November, 1981, be adopted.

Under standing order 67 (4), the Assembly is deemed to have agreed to the motion.

REPORT OF THE BUSINESS COMMITTEE (Meeting held 20th November, 1981) LAID ON THE TABLE

CDR. CHARLES L. KIRKCONNELL: Mr. President, I beg to lay on the table of this Honourable House a Report of the Business Committee of a meeting that was held on the 20th of November, 1981.

MR. PRESIDENT: So ordered.

CAPT. CHARLES L. KIRKCONNELL OF THE CAYMAN ISLANDS TO ASK THE HONOURABLE MINISTER ELECTED MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND TRADE

(Deferred from Thursday the 19th of November, 1981)

NO. 47: A sum of CI$27,000 was provided in the 1981 Estimates for a study to produce a 10 year Tourism Master Plan for the Cayman Islands.

Will the Member state:
(a) whether or not this plan has been received?
(b) will it be tabled or made available to Members of the Legislative Assembly?

ANSWER: Between 1980 and 1981 a total of $90,000.00 was provided by Government for a 10 year Tourism Development Plan for the Cayman Islands. The Plan has been received by Government and is being studied and will be made available to Members of the Legislation Assembly and Tabled in due course.

SUPPLEMENTARY:

HON. TRADDOCK EBANKS: Could the Member say how long it may be before this Report is made available to the Assembly?

HON. JAMES M. BODDEN: Mr. President, I really do not know if I might all of that question, but it should probably be coming to the Assembly the first of the year if I am correct in what I assumed was said.

MR. SPEAKER: Are there any further supplementaries? If not we can proceed to the next question.

NO. 53: Will the Member state the average amount spent per day by each tourist arriving by:

(a) Air?
(b) Sea?

ANSWER: The most recent statistical information available to Government on average daily spending of tourists states that tourists arriving by:

(a) Air: spend CI$65.30
(b) Sea: spend CI$21.72

With your permission, Sir, I would like to give a further reply to this which is not on the paper because I think it is relevant that this should be known.

Of this amount approximately US$6.91 goes to the people in the hospitality industry in the form of gratuities by every tourist that comes to this island. The U.K. give-it, again was proven - US$7h, freeport stores - US$15 and taxis on average of US$13.

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. What is it costing Government in promotion to bringing each tourist here?

HON. JAMES M. BODDEN: Mr. President, although that question I do not think is relevant, in that to reply to that would be relevant because I do not think it is a relevant question, but if the Member will give me just a few minutes I will give him the answer. I think last year it worked out to about CI$2.00 per tourist, but if the House will bear with me for a minute I will give him the answer.

HON. JAMES M. BODDEN (CONTINUING): For the year 1982 it should not approximately cost $110.00 for every tourist coming to the Island.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, looking at some statistics from the Bahamas those are not unfavourable because in the Bahamas the average stay of tourist by air is normally three days. They cannot, on an average, afford for the three days which works out about US$60 per day and by sea $40. There is quite a big difference between what we get out of tourism and what they are getting in the Bahamas. I wonder if the Member would explain this, Sir?

MR. JAMES M. BODDEN: Well, Mr. President, I am afraid I do not know too much about the Bahamas. I will try to answer the Member this way. I think that in the Bahamas they have gambling and I am sure that in their statistics that is included as a part of the money that is spent by the tourist. Besides that they may have other attractions that we do not have. I can assure the Member that they do not have the class of tourist that we have and the average stay of the tourists in the Cayman Islands, that is those residing in the hotels, is about 4.4 days. And remember yesterday we had that when that is the length of time they spend US$481.73. So if we combine that our figures are not much below the Bahamas and we do not have gambling and some of the other things.

MR. PRESIDENT: If there are no further supplementaries we can proceed to the next question.

WHAT ACTION IS BEING TAKEN BY HER EXCELLENCY THE GOVERNOR'S NOMINATED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 50: In my move being made to nationalize Caribbean Utilities Co. Ltd and when will the present franchise expire?

ANSWER: (a) The present franchise or license of Caribbean Utilities Co. Ltd. expires on May 10th, 1986. The company has an option to renew for a further twenty (20) years.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Mr. President, supplementary, Sir. Would the Member state whether there was not a suggestion by one of the Elected Members of Executive Council to nationalize Caribbean Utilities?

HON. JAMES M. BODDEN: Mr. President, would you allow me to answer that one because I know it is directed to me, Sir?

MR. PRESIDENT: I think the Honourable Member for Communications and Works must deal with this question.

HON. J. FAIG BODDEN: Mr. President, if the Member will be specific I will try to answer, but I cannot answer to some vague suggestion.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am referring to a memo, a copy of a memo, that was sent to all Elected Members by the Chief Elected Member of Executive Council suggesting that to stir country-election around with Caribbean Utilities and to bring an indictment against them and failing this we should nationalize Caribbean Utilities. This is what I am referring to, Sir.

HON. JAMES M. BODDEN: Mr. President, I would crave the indulgence of the House to reply to that statement, Sir.

MR. PRESIDENT: Is the Honourable Member's colleague not able to answer to this?

HON. JAMES M. BODDEN: Sir?

MR. PRESIDENT: Is the Honourable Member for Communications and Works not able to deal with this?

HON. JAMES M. BODDEN: The reason I am asking that, Sir, is because it has further implications on what is on the floor and I would like to place it there myself being I was the one who started it and the one who the question is really directed at. That is why I crave the indulgence of the House.

MR. PRESIDENT: The Honourable Member may make a statement.

HON. JAMES M. BODDEN: Mr. President, you and all my colleagues in Executive Council are quite aware of the trouble we have had this year in requiring information from Caribbean Utilities in order to arrive at the correct rates that should be charged.

The Member making this statement is also aware that a couple of years ago while he was in Executive Council we spent a lot of time on these figures. The figures that we worked on were mainly done by the Minister Jefferson and myself. The Member in charge, to my knowledge, did but very little of the figuring. We arrived at what should have been the rate base at that time and what should have been the asset position to determine the rate base. My colleagues in Executive Council are aware that this year Caribbean Utilities went ahead without getting approval from Government, without fully ascertaining Government of its financial statements, without fully running those financial statements to Government and put on an increase which was considered to be out of proportion to what it should have been.

We as Elected Members are put here to protect the people of this country, whether it is against Caribbean Utilities or any other company that carries a public utility franchise. And Price Waterhouse was asked by Government to look into this. They had sufficient time to do so. Finally a report was made back to us that Caribbean Utilities would not let Price Waterhouse have access to the books of Caribbean Utilities and at that point we stood firm and said that a full investigation would have to be made to determine this rate increase if it was going to be granted.

The position has stood static for several months and I for one will stand on the floor of this House and say that the people of this country have not been treated right and I will stand here and say, as I have said in Executive Council, that Government should investigate in some way to put an injunction against Caribbean Utilities to keep them from putting in a rate increase without the consent of Government. There is no use of us having a Government if the Government does not have teeth and if it comes to confrontation, I am the last one who will stand for it. But I would certainly stand for it in this case if they will not cooperate with Government because we have to protect the rights of the people.

But, Mr. President, the question I would like answered in this House this morning is who was the person who made a footnote to the memo, when they were shown the Agency of being passed one, in their fancy typewriter and wrote "Cayman's mad man, and they should be alienated", and that is nothing to be played with Mr. President. That is the question uncommon in the House this morning. If I had been Cayman's mad man, I have sure but Cayman is a very good

HON. JAMES M. BODDEN (CONTINUING): position in the last five years with the help of my other colleagues and I think that this is hitting below the belt and probably the person who wrote that memo was a mad greater mad dog and may stand a better chance of being eliminated than myself.

Thank you very much, Mr. President.

HON. C. RAIG BODDEN: Mr. President, since the question was directed to me I would like to say the memorandum referred to by the Member asking the question, that memorandum was circulated to prominent people in Cayman. I only sent back to me from Crist. Theo. Scotton and some person had typed a nasty footnote to it, making it appear that the footnote had come from the Honourable Member for Bourbon and the footnote suggested that mad dogs, probably referring to the Member himself, should be shot. And this is distasteful when a memorandum which is sent to Members of the Legislative Assembly is photocopied and circulated with this. This looks like child-play and I would trust that Members of the Assembly will realize, in future, when they are given memoranda in confidence or for information that this dirty practice, continuation of "The Voice", is not continued, and we are sorely disappointed.

MR. PERCY C. EBANKS: A supplementary, Mr. President. Mention was made of an investigation by Price Waterhouse & Company. Could I be informed whether this investigation was made, what the investigation revealed and the cost to Government?

HON. C. RAIG BODDEN: Price Waterhouse has been asked to do an examination of the books of Caribbean Utilities. I understand from Mr. Richard Harris that the investigation is about complete and the report is currently being typed and we should have that report in a short time. The cost, I suppose, will be determined when Price Waterhouse sends us the bill.

MR. CHADDOCK EBANKS: Mr. President, a supplementary. Could the Member say at this time if the Company has given indication that they will renew under the options that they have?

HON. C. RAIG BODDEN: Mr. President, we have not received any word or any request from Caribbean Utilities to renew, but the way the franchise is worded they have a right to renew. The clause says that it shall be renewable on application by the undertakers. So they have an absolute right under the franchise to renew for twenty years after 1984.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, a further supplementary Sir. The franchise of Caribbean Utilities was negotiated continually since it which reduced the amount that Caribbean Utilities were allowed to make. We also put in refuel escalation clause there and I am wondering if the Member could tell me if they have not Caribbean Utilities) and if by the revised clause, clause 16, or what is causing the confusion?

HON. C. RAIG BODDEN: Government was not in agreement with the submission made by Caribbean Utilities and we therefore asked Price Waterhouse, as indicated earlier, to examine their submission and to report to Government on it.

MR. CHADDOCK EBANKS: Supplementary, Mr. President. Is the Company left alone to escalate their rates as they feel without the approval of Government?

HON. C. RAIS HODGE: Caribbean Utilities has put in an increased rate. The position, as I see it, if, when the final examination is done and Government is satisfied that the rates should not have been increased or should not have been increased by the 8% which they put in, Government would then have to ask Caribbean Utilities to refund the excess money collected. If Caribbean Utilities does not comply then Government would have to take a decision on to what action should be carried out.

CAPT. CHARLES L. KIRKCONNELL: A further supplementary, Mr. President. Can you the present auditors of Caribbean Utilities?

HON. C. RAIS HODGE: Coopers & Lybrand. But, Mr. President, I would like to say that this seems to be a far cry from the original question, but I think that is correct.

MR. PRESIDENT: I agree, we must not let question time develop into a debate on Caribbean Utilities when the real question is directed to nationalization and the date when the present franchise expires. We have ranged widely with I think.

Proceed to the next question.

MISS ANNIE HULDAH HODGES OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

Q1. Will the Member state whether the hospital has been cleared from the contamination which caused the operating theatre to be unusable?

ANSWER: One operating room is expected to be out in service in a few days as it is presently being cultured (i.e. checking for bacteria growth and eliminating it). The second room is scheduled to be in service in a few weeks as the entire air-conditioning ducts have to be replaced.

SUPPLEMENTARIES:

MISS ANNIE HULDAH HODGES: Mr. President, with your permission I should like to ask a supplementary question.

Is it a fact, or not, that a skin specialist was here and could not perform operations due to the unsanitary conditions of the hospital?

HON. TRUMAN M. BODDEN: The answer to that is no.

MISS ANNIE HULDAH HODGES: Mr. President, if I may be permitted to make a statement, Sir, a complaint was made to me that a young lady going at 2pm who had to have some kind of skin grafting or something and it was unable to be accomplished. They complained to me.

MR. PRESIDENT: We can go on to the next question.

MISS ANNIE HULDAH HODGES OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

Q2. Will the Member state whether Government has any financial interest in the International College of the Cayman Islands, Bodden Town, and if the answer is in the affirmative will he state the amount?

ANSWER: The Portfolio for Health, Education and Social Services does not have any financial interest in the International College of the Cayman Islands, Bodden Town.

SUPPLEMENTARIES:

MISS ANNIE HULDAH BODDEN: Mr. President, a supplementary, Sir. With your permission I should like to ask if any other Portfolio to the knowledge of the Member has any interest in this Cottage?

HON. TRUMAN M. BODDEN: Mr. President, I only have one Portfolio and if the Lady Member wants to ask this of somebody else, so be it, but I am not at this stage going to try to express an opinion. She has the reticulum. If anything relates to other Portfolios it is a public document and under standing order 23 she can look it up easily and get the answer there.

MISS ANNIE HULDAH BODDEN: Mr. President, this is a joke. I am quite aware of the fact that this young man has one Portfolio.

MR. PRESIDENT: Take the final question.

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 58: Will the Member state when Government will introduce a Building Code?

HON. JOHN B. MILLER: Mr. President, the question before the house is on the Building Code. The Building Code is handled by the Planning Department which is part of my Portfolio.

ANSWER: It is Government's intention to introduce a Building Code in early 1982. Negotiations are presently in progress with consultants in South Florida who, it is hoped, will arrive in the Island shortly to study the situation and make the necessary recommendations on preparation of a suitable Building Code for the Cayman Islands.

MR. PRESIDENT: There appear to be no supplementaries to this question. We will take question time to be closed and proceed with the remainder of business on the Order Paper.

FIRST READING:

THE TRAFFIC (AMENDMENT) (NO.2) BILL, 1981

CLERK: The Traffic (Amendment) (No.2) Bill, 1981.

MR. PRESIDENT: A Bill entitled The Traffic (Amendment) (No.2) Bill, 1981, is deemed to have been read the first time and to be set down for second reading at a later occasion.

SECOND READING:

THE APPROPRIATION (1982) BILL, 1981

CLERK: The Appropriation (1982) Bill, 1981. Motion on the Budget Address.

MR. PRESIDENT: The question is that a Bill entitled The Appropriation (1982) Bill, 1981, be read the second time. The motion is before the House for debate.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I see here, Sir, the Traffic (Amendment) (No.2) Bill, first reading - has that just been done, Sir?

MR. PRESIDENT: That has been dealt with.

CAPT. CHARLES L. KIRKCONNELL: Sorry, Sir.

MR. CHADDOCK EVANS: Mr. President, I do not think the Hon'ble gentleman just went past me.

MR. PRESIDENT: I would remind Members that the Budget Address is the formal motion to the second reading of the Appropriation Bill and we debate the second reading of the Appropriation Bill in the usual way. So we are now debating the Budget Address.

MR. CHADDOCK EVANS: Mr. President, are we not having a debate on the Traffic (Amendment) (No.2) Bill?

MR. PRESIDENT: The Traffic (Amendment) (No.2) Bill is only set down for the First Reading. We take the Second Reading debate at a later stage.

HON. V. T. JOHNSON: Mr. President, I wonder whether it is not an opportune time for a short break?

MR. PRESIDENT: If Members wish I am prepared to suspend for fifteen minutes.

AT 10:50 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:15 A.M.

MR. PRESIDENT: Proceedings are resumed. We commence the debate on the Budget Address.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, although I am not ready, Sir, I think I will go ahead with what I do have and try to get into the meat of it.

Mr. President, I would like to congratulate our Financial Secretary for presenting a very excellent Budget Address. One can readily appreciate the long hours and hard work that he spent in preparing this Budget and balancing it. I regret Sir, that I have to differ with several observations and statements of the Address. I do not agree, Sir, that all areas of our economy are still experiencing the same sensitive performance of the past two years.

There is not only, Sir, a lull in the construction market, but construction on some sites have come to a halt while others are slackening off. In spite of the fact that planning permission has been granted for many projects, many few are beginning construction or even plan to in the near future. Again, Sir, revenue may exceed last year's by 8%, but what does that really mean when you consider or take inflation into account?

The truth position: We have little or no manufacturing industries and no natural resources, so obviously we have always been the case, namely our visible trade such as banking, insurance, etc., together with tourism are what balances our budget.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Revenue and Expenditure:- While the overall increase in our 1982 Budget is 13% it is alarming to know that the recurrent expenditure has increased by $4,840,195 or 14.8%. This means that Government's overhead expenses are taking more and more of our revenue which in turn will reduce the amount we have left to spend on developing our Islands. This is certainly not what one would call prudent. Government must take a careful look at itself and cut back on all unnecessary expenditure before we get into real problems as we experienced from 1974 to 1977.

Public Debt:- Our position with regard to public debt is certainly healthy and is not a burden for Government to service. However, there are ominous signs that Government will have to make good the loans which they have guaranteed for Cayman Airways Limited and these repayments have not been taken in the Estimates.

Currency Board:- The track record of the Currency Board is one of unwillingness and I would like to pay special tribute to our Financial Secretary and the Board for a job well done.

Cayman Brac and Little Cayman:- The completion of the dock in Cayman Brac is a significant mile stone in the Island's history. This new facility will unquestionably benefit the people more than any other project so far. It can open up a new era of development if given the opportunity. Only those who have known the hardship and disadvantages the lack of such a facility has caused can fully appreciate its significance.

No mention was made of the road on the Bluff although Cayman Brac should receive a sum of approximately CI$215,000 from the proceeds of the Caribbean Development Bank loan of US$4,000,000. Under Development Head 60, Sub-Head 102.

The completion of the three projects - the dock, runway and road improvement will enable Cayman Brac to attract investors who will assist in realising the full potentials of the two sister Islands, while, at the same time, reaping substantial income for Government from import duty on the sale of land and tourism. The labour force will also benefit from the investment and development which I feel sure will follow.

Over the past five years, Government and Cayman Energy Limited have been employing the majority of our people. However, Government projects are nearing completion and Cayman Energy Limited is becoming less active in the oil exploration operation and if the present trend continues, will be forced to cease operations. I regret that I do not share our Financial Secretary's optimistic prediction in this respect. These unfortunate circumstances can be overcome by Government giving priority to the pending projects and open up the Bluff road because if private investors do not come in to provide employment, Cayman Brac and Little Cayman will be back to where they were in 1971.

The Bluff road could be opened in the rough around the middle of the year about the same time as the completion of the runway extension. The latter project will finally allow jet aircraft to service the sister Islands and serve as a back-up field for Owen Roberts Airport. I hope that in the meantime Cayman Airways will take a serious look at the present operation between the Islands with a view of upgrading it. The aircraft being used is inadequate and unable to cope with the service that is required. The greater percentage of the tourist traffic are the divers. They go there in groups and on nearly every occasion their diving equipment has to be left behind because the aircraft cannot carry them and their equipment. As a result the divers are disenchanted - they lose valuable diving time and besides, Cayman Airways has to make two flights when one would do if a suitable aircraft was used.

The upgrading of roads and the clinic at Little Cayman will give the few residents there more comfort and a feeling of being cared for and at the same time encourage investors to build homes and visit there more frequently. I am requesting Government

CAPT. C.L. KIRKCONNELL (CONTINUING): to give consideration to the widening and deepening of the shallow boat passage, or pumpion, between the shore and the reef on the south coast of Little Cayman. This project, when completed, would enable local residents to travel by boat in protected waters from the village on the point of sand on the east end of the Island. It would also be an added attraction for the tourist and would make travel between the village and Cayman Brac simpler and easier.

Mr. President, during the last few months of my term as the Member for Communications and Works we got a backhoe from MACO and we sent it to Cayman Brac with a view of using it on the airport first and then transporting it to Little Cayman to do just what I have suggested that Government should do in 1982.

It is also most gratifying to know that the Mosquito Research and Control Unit extended their services to Little Cayman. Many tourists left there during the summer months because of the large breed of mosquitoes plaguing them even during the middle of the day.

Mr. President, as I said before, Sir, I am not 100% ready, but I will continue the best I can.

The incoming year for 1982 and the recurrent revenue we will derive I think is within reasonable reach of all and as I said when I made my contribution to the Customs Bill which was putting duty on free-port items - I will re-state what I said then, the quantum put on Sir, is negligible, I have no problems with that, but I see it as the thin edge of the wedge and I see the image of Grand Cayman or the Cayman Islands as becoming not a duty free area any longer.

In the 1960's, the Administrator then... saw what was happening in these Islands and he recommended that duty be removed from items that the tourists purchased because they were coming here and chartering planes to go from here to Montego Bay to do their free-port shopping. I have had discussions with a few in the free-port business, and watches and jewelry are the main items that the tourists go for. They bring their bills from St. Thomas and the United States, and even though the price of watches and jewelry is considerably under the American prices and those in the Virgin Islands, unless they are 25% less they will not touch it. So we have to be very careful, Sir. But it is on the duty and the amount seems relatively small. But when you have to put duty on it, and bank interest of 20% and 21% on money you are passing on out it, you are passing on much more. This is an area, Sir, that I do not have a penny to gain neither do I have a penny to lose. What I am saying is in the interest of the Cayman Islands.

Much has been said, Sir, of the school fees and I noticed today's editorial, and I must say that while there is some argument - and there is some merit - in what they have said, I have personally been a victim of having to leave my home to get what little education I have. And I know what I had to suffer undoubtedly by schoolmates in those days and going to a boarding school where the food was hardly palatable. I feel, Mr. President, that the fees are not exhorbitant; I feel they are reasonable and I think if the situation is not agitated the people will accept them because when parents consider that they have to take their children - send them away - not only are their children away from them, but ends one's family life. That is really what it means. It puts children more or less on their own. Perhaps the one thing that I should say is that the Bill should have gone a little bit further and have the local people contribute as well, because in this society there is too much freedom and the people here are not making the interest in their children that they should. If some parents had to pay for tuition of their children, they would make sure that they were studying and getting value for money. That is the only comment I have to make, Sir, that it did not go quite far enough. I know few people, with one or two exceptions, living here are not against it and I sincerely hope that this issue is not fanned and blown up because I would not like to see enmity created between Caymanians and the other people who are here helping to develop this Island.

CAPT. C.L. KIRKCONNELL (CONTINUING): Mr. President, I repeat, Sir, that I have to bring up a very touchy subject - one that I stand as firm on today as I did when I stood on it in the Finance Committee, and that is, the money that we are paying the Cayman Islands News Bureau. I followed what they have been doing very closely and I have copies of every local release that they have made. I cannot see this country paying $200,000 a year for this service. I agree that we could have upgraded this service within the Civil Service - or we should have - and have it under control of the Chief Secretary. I have noticed, Sir, in the Estimates that only a portion of this - I think it is $150,000 - is being paid from the Chief Secretary's vote. I would like to know, Sir, where the balance of this money is being paid from? Which vote? When we get into the Committee, Sir, I am going to ask quite a number of questions and this is one that must be answered.

Mr. President, in that Finance Committee we are all equal. The Members on this side of the House knew nothing whatsoever about this money or contract that was being negotiated and signed with Cayman Islands News Bureau. We had several Finance Committee meetings and should have been told that the Contract was signed in June. In July we had a Finance Committee Meeting and not a word was mentioned about this contract that had been signed in June - like many other things that are happening here. The Members on this side - we are like a bump on a log, we are no use. Our people elected us the same as they elected the other four Members over there and they are coming to us for the answers. They are asking, "What is happening? How can this happen - you are elected the same as they are?".

Mr. President, I am happy that between the years 1976 and 1980 I was part of the then Elected Members of Executive Council and we made it a point to inform the Members on this side of the House. Once a month we called a Meeting and told them what was coming up and what was happening. We told them what regulations were proposed, and what legislation was expected to be enacted. I personally visited the districts (with the Members for each district present) and we went around together to find out what was necessary - what did they want, what did they see as their needs - the need for their districts. Mr. President, nothing like that has been done since 1980, but they expect us, when they have committed this Government, to be rubber stamps. Mr. President, if I live to see the 8th of December I will be 60 years old. I have never been used as a rubber stamp yet, Sir, and I have no intention of being used at this stage of my life.

I say again, I agree that the service should have been upgraded within the service and we could have employed the same man - it is not personalities in this, Mr. President. I have met all the members of the News Bureau and I have great respect for them. It is nothing personal about it. This is a matter of what is right and what is wrong.

I see the contract, Mr. President, as an open-ended contract. Basically the money is $225,000.00 but that is only the beginning. There are cables, telexes, telephone calls, travel, photography, all sorts of goodies mixed up in this on top of the $225,000. If a close check is kept on this, Mr. President, by the end of 1982 instead of being $225,000 it will be $325,000. I resent be a party to this, Sir, and when we get into Committee, Mr. President, I hope it will not be fine - fine and the Financial Secretary has to use his vote this time because the Members must really appreciate that they are responsible to the people who voted them in here and they cannot betray the trust which the people put in them. That is our first allegiance as far as I am concerned and not to the way I feel it should be. I feel the people's interest should be given priority.

Hon. ROMEO L. MCKOMBIE (CONTINUING): Mr. President, there is never smoke without fire and I have heard that this same Cayman Islands Money Bureau have smuggled two men in out in the United Kingdom Tourist Office. This office, Mr. President, was established by the Department of Tourism and they have a first class man in charge of it - I know the man. It looks to me like this Cayman Islands Money Bureau is like an octopus - it is getting its fingers all over the Government. It is like they are putting a stranglehold on us. Why? I am not going to sit by, Mr. President, and stand for this. I will fight it until I die.

Again, then have one Lord Carnegie in Scotland paying $20,000 a year when we can be represented, and where we have been represented by the Foreign and Commonwealth Office extremely well. To employ a man for $40,000 - to do what and for what? The Minister responsible told us we had to plant seeds. I would like the Members to tell us, in answering this debate, have any of those seeds sprouted yet and what kind of fruit are they bearing? The same position in the United States. We have the British Ambassador in Washington to represent us. Here we have a man paying $50,000 a year. We are making money, that is correct, Sir, but these people are not helping us make the money. They are helping us to spend it. My father told me any fool can make money, but it takes a wise man to know how to spend it.

I regret, Mr. President, that I have to end on a sour note, particularly your last session here with us as our President. I would like, Sir, to tell you that I feel we are loosing a very fine gentleman - one that is going to be hard to replace, but I very hope, Mr. President, that you are leaving at the peak of your career. You have been a personal friend of mine. You have been an excellent leader, a teacher. You have been everything to me and I can never thank you for it, Sir, and I think you know, even though my phrases may not have been put in the paper and a big write-up under it, words are easy to come by, Sir... but what you feel in the heart you do not use too often in print. I cannot express to you, nor would I attempt at this time, but I think you recognise a friend when you see one.

You have been a true friend of the people of Cayman Brac. You are beloved by the people of the Brac and you will be truly missed. I think you are one of the greatest humanitarians that this country has ever had for its leader. I can only say to you, Mr. President, that I hope your retirement will be a happy one and that when you and Mrs. Powell leave our shores you will know here with plans to return to us when I am sure you will find open hands and hearts to welcome you.

It is with regret also that our very able and Honored Financial Secretary is leaving the Civil Service after thirty-six and a half years. I think he should have a canoe of gold for that. He is held in high esteem, Mr. President, not only in this country, but wherever this gentleman has gone to represent the Cayman Islands he has been respected. I had the privilege in 1978 of going to Barbados with him and I can tell you, Mr. President, that wherever he represented the Cayman Islands they were very well represented. I am proud of him. I regret to see him go, but we have a little place for him, Mr. President. It - I think we are letting him off the hook but only until 1984. He will be back with us in a little different capacity.

Mr. President, with these few words, Sir, I would like to end and ... extend to you and your family a very happy Christmas, a prosperous and happy New Year.

I thank you, Sir.

MR. SPEAKER: There seems to be some reluctance to catch the Presiding Officer's eye.

If nobody is ready to speak I am prepared to suspend until 2:00 o'clock, but I would like the debate to continue this afternoon.

I will suspend proceedings until 2:00 o'clock this afternoon.

*AT 12:40 P.M. THE HOUSE SUSPENDED*

*HOUSE RESUMED AT 2:00 P.M.*

MR. SPEAKER: Please be seated.
Proceedings are resumed.

CAPT. HENRY S. KIRKCONNELL: Mr. Speaker, I would like to congratulate the Honourable Financial Secretary, the Honourable Vassel Johnson for the eloquent manner in which he delivered his Budget Address for 1992.

I am aware of the great responsibility and many hours of hard work necessary to prepare a balanced budget of this size. It is with great pride in the accomplishments of our country, great appreciation to you, Your Excellency, Members of Executive Council, fellow legislators both past and present and to the Civil Service for a job well done that I make my contribution to this debate today.

As I listened to the Honourable Third Official Member of Executive Council, the Financial Secretary, the Honourable Vassel Johnson, deliver the Budget Address it gave me great satisfaction. Satisfaction that we were able to complete all expenditures, we will be able to complete all expenditures for 1991 and carry forward a surplus to 1992. Satisfaction that our rate of inflation has been reduced from last year. Satisfaction that a small country such as ours can present a budget of $xxm - an increase of 13% over 1991 and a balanced budget at that. An accomplishment that all developed and developing countries would have to watch.

A country of just over 17,000 people to be able to balance a budget of a sum of $xxm is nothing short of an economic miracle, a result of sound planning and good Government. There are certain questions in the budget that I have which will be dealt with in the Finance Committee and I realize that our expenditures are great but every effort should be made to conserve, wherever possible, and this I'am sure is under a watchful eye. I would like to comment on important areas of our economy and in particular to the effect of the district which covers the Islands of Cayman Brac and Little Cayman.

Tourism - to boast that tourist arrivals are increasing year after year when other larger and more experienced areas are losing ground is a great achievement and a great financial asset. Our investment of Tourism must be complemented and it is my hope that with the completion of our airport extension that Tourism will also increase in our District.

Broadcasting - Radio Cayman is truly an asset and is performing a valuable service to our country - helping to keep the three Islands and their people informed of daily events, both local and on a world-wide scale. My District was again this year threatened by hurricane Katrina. It was the voice of Radio Cayman in the late hours of the night that warned us of the change in course, that it was heading for our districts and we were able to activate hurricane shelters, and they were occupied rapidly. I may add, that reminded what could have been disaster had it increased. We were most fortunate for

CAPT. MARK S. MCCONNELL (CONTINUING): the barker which was only about 50 miles south-west of Cayman Brac experienced gale force winds and hurricane force winds in an 100 knots.

I compliment our Police Department Mr. President. We must all be proud of a force such as we have. In my District I am proud to report has been upgraded. We now headed by an Inspector, Foreman of Grand Cayman, Sergeant Watson and 6 constables and 1 cadet. With the present force of this size, we have a feeling of pride and security.

During 1981 Cayman Brac and Little Cayman have been experiencing a continued state of boom. Almost full employment has remained thanks to Government projects such as road improvements, airport extension, buildings such as the Administration Building and additions to schools.

Cayman Diving Ltd's ship-to-ship transfer operations, the newly instituted whip mooring operation, ships' hull cleaning and other phases of their operation and we also thank the private sector for their contributions.

I feel it my duty to compliment our District Commissioner and his staff, Mr. James Ryan, a native son of Cayman Brac has assumed the responsibilities and I think performing in a great high capacity.

During the year we are thankful for the construction of the new road building which is the largest contract ever granted and completed in Cayman Brac and I think maybe in the shortest period of time. Special recognition should be given to Miller Marine Construction and Mr. Jim Hillaway who headed their staff while in Cayman Brac. They were a great asset and certainly added much to the development of Cayman Brac. It is my hope that the improved port facilities will encourage development and with the road on the Bluff we should have more room for development and it is my hope that this will take up the slack that Government projects as they become completed will not run out of work, that we can develop our tourism on the Bluff and I would also ask that our Government consider additional expenditures where necessary.

I am proud that in this year 1982 our budget includes the largest expenditure ever voted for the Island of Little Cayman. It will include a medical clinic, road improvements and hopefully landing facilities will be improved in order that while serving Grand Cayman and Cayman Brac will be able to discharge heavy equipment there when required. Also the institution of Mosquito Research Control to Little Cayman is a great asset.

Agriculture and Planning - these are two very important departments and they are equally important in all districts of the Cayman Islands and it is our hope that agriculture can be encouraged in Cayman Brac and Little Cayman. With the development of our Lands and Survey Department during 1981, we now have much improved facilities, but I would like to add there is room for improvement and we ask that close attention be given to our Department there.

I would remark to this Honourable House that the shrimp project which I spoke of in my Address here last year has come into operation and assuming to receipts received from marine biologists the growth rate is very favourable with the growth rate of Hawaii and Ecuador which are two of the present largest farming areas. It is my hope that this would become an industry which possibly could alleviate some of the problems now experienced by the Turtle Farm here in Grand Cayman.

CAPT. MARY E. KIRKCONNELL (CAYMAN ISLANDS): Research and control - to our department deserves more recognition for our development than this department. Controlling the mosquito population in Grand Cayman and Cayman Brac to a definite success story and with the institution in Little Cayman I hope that we will be able to add a similar story there for with the new equipment they will be able to enjoy what we are now enjoying. I have been asked by the few people who reside on Little Cayman to extend their greatest appreciation for the efforts towards controlling their problem.

Health and social studies - no territory of our size, I feel confident, can boast a better health and education system than we enjoy today and are constantly being improved. The Government Hospital in Grand Cayman and the Public Hospital in Cayman Brac are a credit to our Islands. We are grateful to all responsible for development improvement at Public Hospital. We have a medical and surgical unit available twenty-four hours a day and in a territory of just over 1,000 people this is not something common world-wide. We have a Government Medical Officer and a part-time Government doctor also engaged in private practice. Our greatest need at the present time is additional bed space which we hope to be able to accomodate in the near future.

In my opinion our educational system is something that we can justly be proud of and certainly justifies any expenditure that is being made. An investment in educating our youth is surely for our future. The opening of the Middle and High School section of Cayman Brac school, I am happy to report, is a success. Also the opening of the sixth form and the Community College in Cayman Brac is a great improvement to our system there. The Community College in particular is enabling children who did not have the opportunity of attending schools at that school when they were going but now get it at an older age and I feel improve their position within our community.

I am aware of the controversial issue of the school fees, but I would like to say that it is my opinion that no place in the world is a child able to get free education, free medical, dental and care necessary for the small fees as of a non-resident as we have imposed in this Honourable House.

Mr. President, as a resident of Cayman Brac and Little Cayman, my people appreciate improvements completed and in the accommodation wharf at our Second Built Airport we always grateful to our former Administrator, Mr Cumberbatch, Governor and Smith for their leadership and help in establishing our airport. To you Mr. President, we owe much for during your tenure in office we have experienced great improvement to our airport, port, schools and the three Islands in all phases.

If it is proper, Mr. President, I would like to suggest to the Honourable Member of this House and all parties responsible to rename our airport the Gerard-Smith-Hurwell International Airport and to invite you, Sir, to attend our official opening when this proud day arrives. This is just a small token of our appreciation to you, Sir, for your many services to us.

It is my hope that a longer runway can be secured for our inter-Island aircraft and that improvements can be made at the airport in Little Cayman to improve their services as well.

The Government - an essential service - extended now to include domestic services here in Grand Cayman is something that has long been needed. It is my hope that we too can look towards a domestic service to the smaller Islands.

Public Works - I recommend this Department and ask that they continue their good work. In Cayman Brac we are pleased with the accomodation of the Department there. We are proud of the new office facilities which have recently been completed. I would like to say that no mention has been made in the Budget for the road on the Bluff, but I sincerely hope that it'll be the intention to include this for, Mr. President, I feel, as I said earlier, that this is

CAPT. KARRY S. MCKINNEY (CONTINUED): an area where we must develop in order to keep our men employed. The hot-mix surfacing of the roads and road making and also the road construction plan for Little Cayman will employ some of the people, but we will need additional employment as well.

Customs is another very important department in all respects. We compliment this department and I would like to say that my people deeply appreciate the reductions in duty on food stuff and it is my opinion that all revenue bills passed during this year have been carefully considered and are all justified.

Mr. President, as an Independent Member of this Honourable House, I would again humbly ask the Elected Members of our Government to include me in meetings held with other Elected Members who sit on this side of the Honourable House in which they are kept informed of the affairs of this country. The situation, as I mentioned last year, is still very embarrassing to me as a newly Elected Member. I am only able to inform my people and oftentimes I have to get the information from former Members of this House. ...

Mr. President, in closing, we all feel sad that this session will be the last session that you will preside over as President and that our Honourable Financial Secretary will sit in that position. I am very proud of your accomplishments, Mr. President, during you tenure as Governor. You have truly been the Governor of the Cayman Islands sustaining due consideration for all three islands. The residents of Cayman Brac and Little Cayman highly respect you, Sir, not only as their Governor, but hold you as their friend and thank you for your concern, your help, your frequent visits and leadership and advice given during the last years. Your memory will always be remembered and cherished and as you leave us, Sir, we wish for you and Mrs. Russell much happiness, good health and may your times be long.

To the Honourable Financial Secretary, your service to this country cannot be recognized in terms of monies or any other type of measure known to me. We are most fortunate to have had a man of your ability with your love for your country and people and strong determination to duty at a time in our history when we needed one like you so much. Thirty-six and a half years of dedicated service is certainly a record and deserves special recognition. It touched me deeply as you said in your Budget Address that you were delivering your last Budget Address. We shall miss you greatly, but feel that you have earned your retirement and wish for you and your wife long life, happiness and success.

May I take this opportunity in closing, Mr. President, to wish all Members present a very happy holiday season and to all of us a very prosperous 1982.

Thank you, Mr. President.

HON. W. NORMAN BODDEN: Mr. President, I must take this opportunity to sincerely congratulate the Honourable Financial Secretary for his usual frank, fair and commendable Budget Address for the year 1982.

This Address tells a very vivid story. It reveals many interesting facts and figures and I can well imagine the exhaustive research, hard work and efforts put into the compilation and delivery in this Honourable House.

Mr. President, in directing the financial affairs of the Cayman Islands, I have always likened the Honourable Financial Secretary to a well experienced, capable captain who brings his ship through rough seas guiding the boat the treacherous reefs, shifting around the rocks, pointing the dangerous spots to his crew, but finally, firmly and expertly bringing it safely into port.

MR. V. MOSES KOTZEN (CONTINUING): In his budget Address he has once again charted the course for the year 1983 to be followed and based on the proof of his past predictions we can only well believe what he has said. The Budget for 1983 stands at $45,993,000 or 13% more than at 1982. In my mind, Sir, the story is told on page 8 of the Estimates. This amount must be made available in order to meet the anticipated expenditure of $45,978,741 leaving an estimated surplus at the 31st of December 1983 of $12,259. It is significant to note that this figure is less than 1% - in fact only three one hundredth of 1% of the estimated surplus balance at the end of this year of $1,270,982.

Based on prevailing conditions here and abroad, I believe this is realistic. It is known my first reaction to this was, will we have successfully operated just about all that we are making in 1983 - very much unlike previous years and it certainly costing us to have to deal with the drought. But, the Budget has been balanced with this modest estimated surplus which is something not easily accomplished by even more prosperous countries and in this age of fluctuating inflationary trends and high interest rates, and even as I have when our big neighbour to the north is experiencing financial trauma of recession. But this has been done by the Honourable Financial Secretary in his usual competent and efficient manner with the support of his staff and the Ministry of Government.

It is true that non-financial concessions some $8,5M had to be placed to consolidate this, but the means by which this has been done can hardly be considered to create any undue hardships for anyone. We are indeed fortunate and blessed that our economy is such that it can support this. We are able to still apply duty to some areas, remove it to others, retain and increase fees and keep our people individually happy and satisfied which is the primary concern of our Government. I must mention here, Mr. President, that I commend the amendment to the Education Bill to put into effect school fees. I feel that these fees are reasonable and fair. I am a bit concerned at the editorial in the Express this morning and I am wondering if this sort of editorial could not be more favourable to us than the amendment to the Education Bill which was passed a few days ago. However, continuing on Finance, the course that has been charted for 1983 calls us a few things.

Your conferences in 1979, 1980 and 1981 have been astounding and the economic growth experienced, the investment and expenditure especially in the year 1981. Amounts that we were able to place in general reserve from the accumulated surplus represented the country's entire budget not many years ago. However, it must not be expected that the same rapid growth and development can continue meeting high expenditure we just cannot continue to tap areas of taxation and increase fees, or, as has been widely and correctly pointed out, we are surely reach the saturation point and the time will come when we will have to find new means of raising funds needed to cover expenses. Above, another message I found in the Address was that wherever and whenever possible, the Government and in the private sector, Corporations, and by that I refer to those of our people who are willing to work hard and apply themselves, must be trained to fill senior and responsible positions in these organizations and I wholeheartedly endorse this. But, I must point out that Independence is not a guarantee and our people must learn to accept and be willing to make sacrifices to get to the top. Many opportunities are available and I would urge my people not to miss these but take them most - they are certainly opportunities that I never had.

In this age of computer operations and technological advances, a high standard of education and quality in productivity is mandatory. I agree that conditions are still favourable and I have every reason to believe that this will continue, but let us not push our luck too far. We must be realistic, face facts and endeavour to control expenditure in any area that is possible. We must continue on these balances without creating strains, clashes or class in our society. So far we have been able to provide a happy medium. Let us keep it that way whatever the sacrifices are that have to be made. This is everybody's responsibility not just a chosen few.

MR. P. NORMAN DAVIES (CONTINUING): I support the Financial Secretary's recommendation that once the accounts for 1981 are finalised, that an appropriate contribution be made to general reserves. As we all know when everything is smooth and rosy there is a tendency to forget from whence we came, but when the going gets rough and the belts have to be tightened people usually, and naturally I suppose, turn to Government for employment and other necessities. Unless Government has reserve funds to tide them over downturns in the economy, the resulting situation can be similar to history has proven, has been the downfall of many a good country.

Also in the Honourable Financial Secretary's address there were seven words that sounded good to my ears and I am sure to many others as well, and those words were, "there is a definite decline in inflation". I have said this before and I am sure this is nothing new, but inflation like economic booms and busts are all imported from abroad. We do not get the rates now can we expect to, but I support the idea of fighting inflation on a voluntary basis rather than by control and legislation. It must be a combined effort by all concerned for it is a known fact that in a cycle when you lower with one area it produces repercussions in another.

Now the Financial Secretary has been quite explicit in talking out the public debt, an area quite often misunderstood and to be honest sometimes I did wonder what this was all about. It, however, appears to me that the acquisition of the loans through which our public buildings that we now enjoy and rent around and the other improvements and necessities made possible by these funds, certainly represented a job well done in negotiating favourable rates and good terms and conditions are unheard of in today's money market. I do believe that this was made possible through a stable Government with a very good reputation within the lending institutions here and abroad and through good relations with other governments as well.

The Honourable Financial Secretary also pointed out that our trade position is healthy due mainly to tourism and those which assure economic restriction, banking and insurance. It has been said many times, and we all recognise this, that these are the pillars of our economy and we all know that if the pillars are ever allowed to weaken or deteriorate, then the building falls. Certainly in protecting the present and future of these Islands we must continue to provide the climatic conditions conducive to their continued orderly growth and development. It must never be forgotten that to maintain this the two-way street must be kept open at all times. I admit that it can at times become a delicate balancing act, but it is the only way to continue what has been built up through the efforts of dedicated people in the past, present and who will maintain this pattern in the future. We are all entrusted with this responsibility regardless of what we call ourselves.

Turning to the industries that contribute to our economy, I turn to tourism. The reported increase in arrivals of 5.2% by air and 3.2% by ship may appear small when compared to past performances, but by today's standards is certainly considered substantial increases in the trade for our region where there are been already discouraging declines in top tourist destinations. Tapping new markets and applying new techniques and strategies by maintaining a high standard of product, will undoubtedly guarantee a good percentage of a business that has become highly competitive in a somewhat softening market.

Today, many countries are realising the value and importance of the tourist dollar and have gone all out, not only to attract tourists, but to ensure that they are kept coming to their shores. The 10 year tourism plan will undoubtedly provide guidance and valuable recommendations and support advice. At the same time there is no substitute for first-hand knowledge and experience in this business sector. Clearly identifying the problem areas such as increasing security

MR. F. MORRIS GOODEN (CONTINUING): tension and a rapidly changing environment, consistents on essential evolution, must still be faced up to and handled in a professional manner. This is bound to go a long way to keeping the Cayman Islands on the top of the list of most favoured tourist destinations. Our people must, however, develop the ability to move and to adjust to change without losing our identity or becoming resentful. Programmes to educate our people that the benefits outweigh any inconveniences and that this industry must be preserved through the efforts of all and I am sure that this will continue for this industry to grow in an orderly manner.

I now turn to companies registration, banking and insurance. Companies registration - the phenomenal rate of growth that will be producing some $6.6 million in 1982 is an area to be acted fine and nurtured. Plans to have this department continuously under review so that the demand for efficient, fast service can be met. I am sure it will remain a high priority and the employees in this department are certainly to be commended.

Another aspect of the confidence and trust that has been placed in our country. Banking purchase over $2B in fees apart from indirect benefits by a boost to the economy by local spending. This is extremely substantial and important to us. It was, however, interesting to note that 75% of the labour force are Caymanians. While statistics does not reveal in what categories, I feel confident that the banks recognise the need and have instituted training programmes that will eventually enable Caymanians to fill senior positions in their companies. This is one of the two-way streets I have referred to previously.

Insurance - this is a new industry that is already making a valuable contribution to our economy and the potential is there and in place for further development which we need to encourage.

Mr. President, I would like to turn now to the Civil Service. I am not one to believe that everything is good at all times. Neither am I one to always run the hunt. I believe in examining both sides of the coin and rendering unto Caesar the things that are Caesar's. I believe that many times our Civil Service is not properly upheld and supported when they should be and many times not given the credit that they are due. I can realise that there are those and will always be some who do not carry their fair share of responsibility, but is not this true in all organisations? There are also those who wholeheartedly carry a heavy workload for Government and keep the day-to-day business of our Government running. There are discussions of our recognition and reward. I would not attempt here to go into detail and comment on each department. In any event I do not think that I would be qualified to do that, but I do want to mention a few that have stood out when I was going through the Estimates. And the first one I would like to mention is the Customs Department.

In our revenue earning departments, I note that in 1982 it is expected that $17M will be raised through collection of various duties. I believe that this department now operates with a total of 21 employees and the department is costing $287,807 to run or approximately a mere 1% of recurrent expenditure. The coverage that must be provided to airports and dock operations are extensive and I would say to be able to come with this amount of intake in revenue can be considered a splendid performance by any one standards. I am pleased to see that under New Services they are getting some much needed reinforcement. This, I am sure will be welcome.

The Postal Department - $1.0M. I am aware that this includes stamps sold from the counters of Post Offices handled through Lands and Survey, but again this department is handling a tremendous volume of traffic and rendering a good service to the public when one considers the ever increasing volume with which they must cope.

Hon. K. Norman Bodden (Communications): The Registrar of Companies - 66.6%, another department which I mentioned previously. This seems to me to be a well run and efficient department doing a good job with a small staff.

Next I would refer to Radio Cayman. It is certainly encouraging to note that Radio Cayman is becoming increasingly self-sufficient. Regardless of criticism, I believe that this department will continue to grow and because attention is given a chance. It is a godsend to many of the people in our Islands.

We cannot end mention a few of the other departments, the Legislative Department comes to mind. I have only been in this Honourable House for a year - I will not say whether it has been a short or a long year, but prior to coming in here I had no idea whatsoever of the volume of work that is produced by this department and I daresay have that not many of the general public do either. I have found it to be one of the most efficiently run departments that I know of and with the small staff Mrs. Worshipton has at her disposal, she certainly does a most remarkable job as far as I am concerned.

The Police Department - this department, though often criticised, seems to be running like it can. I think the separation of the department from prisons is a much needed step in the right direction which will allow police to concentrate their efforts on the right and much needed areas, the provision of needed equipment and additional staff. It must be remembered that whenever there is a spate of crime there is always an outcry to follow, but once it has been cut down and brought under control then nobody seems to remember that someone took action. This department, for some reason or other, reminds me of the sentence that a convict has to serve in his own country. We might know some of the police personally, we may know their fathers and grandfathers, but we must give them the respect that they are due and of course they must keep the same curtesy and respect in dealing with the general public. Much effort has been put in this and I believe that much needed training will do much to improve this. Fighting crime, in my opinion, is everybody's business and as a community we must be involved and give support and co-operation where necessary.

National Administration. I will not touch on this much, but in past years I have been very closely associated with the people in Cayman Brac and Little Cayman and I have been well aware of many of their problems. Some of their complaints have been justifiable, however. I am pleased to see that Cayman Brac and Little Cayman are being well provided for. I never did like the term lesser Islands and I think that should be changed. The Honourable Chief Secretary and their two MLA representatives are certainly ensuring that they are not left out.

Museum and Entertainment - the funds made available and events on the commemoration of Government services will undoubtedly prove a thing and moral treatment. It encourages enthusiasm, particularly, stores valuable information that would take volumes and volumes of files that you would hardly have space for and makes important information readily available at your fingertips.

I am pleased, Sir, to see that our Information Department will be given priority in the programming, as to keep with their volume of services and assistance normally be handily increasing. I am certain that this was one of the Honourable Financial Secretary's projects that he wanted to see completed before retiring and I know that he can do this feeling well pleased that he has left the machinery behind that will enable his successor to rise up and call him blessed.

Social Services and Welfare. Senior citizens, pensioners, widows and those on welfare must receive consideration continuously as inflation does not know anything about them and hits them just as hard as anybody else. They must not be forgotten. The National Council of Social Services is doing a wonderful job in this community as well as all the service clubs. I would like to see the home for the aged and other similar institutions voluntarily supported by Government so that they can be made available to the elderly at reasonable rates.

Cdr. W. NORMAN HOLDEN (CONTINUING): Mosquito Nuisance and Control Unit. Needless to say, Mr. President, this department is well worth money spent on it. It is not only the control of mosquitoes locally, but equally important is the work done by this department in preventing infectious diseases from entering our Islands. We are indeed fortunate to have such a department under the able guidance and control of Dr. Seiffell.

The Fire Services Department. This is another department that has come into its own. We cannot help but wonder what we did before we had it. I would however, certainly like to see other domestic fire fighting stations situated at selected locations here to densely populated areas such as the Seven Mile Beach area. I realize that this, like everything else, costs money - cold cash, but it will have to come eventually and will be money well spent if we consider the lives that would be saved.

In turning to Fire Services, I am sure, like everyone else, that we have to be able to pay for them. But there are a few things that I would like to see done in my constituency of George Town, if not in the coming year, I feel that the ground work should be started so that before too long we can see improvements in the area that I would mention. I would like to see more street lighting in the back roads of George Town. There are many areas where people seem to be concerned and I would like to see some attention paid to this. There is also road maintenance that is badly needed. I know that there are many areas where we have five to ten houses that have been constructed and during the rainy weather families cannot get to their homes and have to stay with relatives. The question is often asked whether these are public roads or private roads - perhaps some of them are private roads, but they are new roads that have been opened up and built on and there is an existing problem for my people and I would like to see some attention paid to these areas. The Sound Road, I know for many years now has been talked about and included in the road programme. I would like to see the portions of that road that can be straightened done so as quickly as possible because it handles a tremendous amount of traffic.

Roads and drains in my opinion, Sir, can no longer be delayed. I have read quite a bit about this. I have seen it mentioned. I think that we have had enough studies. It would seem that these have cost our Government, in some instances, a considerable amount. I know that this is a concern of everyone in this Honourable House and I feel that we must continue to pursue this actively.

Some time ago I know that plans were made about sidewalks in Cayman. I fully realize that in the George Town area there are not very many places where there could be built and I also appreciate the fact that they are quite costly, but one area which I feel should receive attention and that is from in front of the Comprehensive School on Walkers Road at least to the intersection of the Hospital Road. I feel that some sidewalk should be built there to assist with the safety of our school children who use that road continually.

Now, Mr. President, in speaking about justified expenditures I do not feel that I can support the vote of $752,580 shown as Information Services. I believe that communication between our Government and its people is a very important link and needs improvement, but it is my conviction that it could be more effectively and economically done within Government than by contracting this out to a third party which always proves more expensive. The control of this surplus concerns me somewhat and one could perhaps, with all due respect, be concerned about the confidentiality of Government information as well. I would honestly be going against my better judgment to support this expenditure as set out.

MR. V. NEMAN BODDEN (CONTINUING): Our future- Mr. President, I feel that we must, as a people, be willing to sacrifice selfish desires and forget any for petty political ambition or thirst for power that would tend to threaten the stability that we enjoy or shake the confidence and trust placed in us by others. I realise, of course, that stating this in theory is easy enough but applying in practice is not always easy and we could lose sight of its real importance and easily forget its value. But again it is in our interest for the benefit of future generations and the upholding of our country as a thriving economy, not only in the troubled conditions, but to the rest of the world as well.

Mr. President, as has been said by the speakers before me, you will be retiring at the end of this year after giving seven years of faithful and dedicated service to the Cayman Islands. You have certainly left your mark. Your wealth of experience has enabled you to provide valuable guidance and your down-to-earth personality has endeared you to the hearts of the people of these Islands. I am sure, Sir, that you are however looking forward with much anticipation to a well earned retirement and your family will be happy to have you back home once again from the burden of public office and free to plan and do the many things you never seemed to have time to do before. As President of this Honourable House I have found you to be fair, firm and staunch in giving your rulings and maintaining order and dignity in conducting the business of this Assembly. May God richly bless you and your fine family as you leave us and may you return to enjoy our Islands one day without the usual stress and strain that I have now become a part of your life.

It has also been said, Mr. President, the Honourable Financial Secretary has delivered his fourteenth and last Budget Address and although he will not actually be resigning until the end of March 1992, I must take this opportunity to publicly thank him for his many years of unselfish and dedicated service that he has given our country and its people. He has given unstintingly of his talent, time and self and I am certain that only God, his family and himself really know just how much he has given. His service is a shining example of how much can be achieved and the heights that can be reached by our Caymanian people with similar qualities of determination, hard work and determination. I have always found the Honourable Financial Secretary to be a man of calibre, quality and foresight and I am confident that his successor will make every effort to maintain and follow the high standards and principles that he has set in discharging his duties.

Thank you Sir.

MR. PRESIDENT: This may be a suitable time to suspend for fifteen minutes.

AT 3:19 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:30 P.M.

MR. SPEAKER: Please be seated. Proceedings are resumed.

MR. O. NORMAN EBANKS: Mr. President, I too want to congratulate the Honourable Financial Secretary for the Budget Address that he has put together so efficiently. I know he has contributed long hours in preparing such a speech. Congratulations is certainly due to always note, but don't miss our point at this time, Sir, and he also has wives.

Now, Sir, that Budget Address is a breath that is very encouraging. The Budget for 1992 is a budget that I wish big nations of the world would be proud of to have. And it all comes through good administration and good planning.

MR. D. DIMALI: MR. MAYOR (CONTINUING): Now, Sir, there are just a few things I want to touch on and the first one would be construction. I know it's a very sad because construction has slowed down considerably since the summer. But, as I belong one versed in that field I do not feel that the worry should be too great because there is still a lot of work to be done such as finishing up jobs that have slowed down or been stopped and are starting again. And then there are also new plans for the coming year.

The construction boom, Sir, never like all booms do. It moves up it begins at a drastic steep until it reaches a peak and then it feathers out gradually to a slower pace. Now we have reached our boom. There is a saying, Sir, that whatever wind blows is always blow in someone's favour while even the slow kind of construction has its favours, its merits because, Sir, with the slowing of the pace of construction companies are more able to cope with the work. We do not have that hassle of trying to get jobs done, working long hours, which is a strain, a very great strain to all who are concerned.

Another thing to the slowing of this boom - we will be able to get clear of some of the unskilled labour that we had here. That imported labour, Sir, was becoming to be a problem that Immigration was having great trouble to control. It was also bringing a lot of unrest to the Island, Sir. And when this is done there is enough work left for the Caymanians who will be able to control it and handle it and the work will last for quite a while now. So I really do not see any need for panic at this time.

Now, Sir, I will speak a bit on tourism. The industry of tourism is still encouraging. This is another one of our great sources of revenue and it is keeping the country in a good standing position. Again, we have cruise, Sir, and this year with an increase of arrivals of tourists by air and sea up to a certain percentage. We have added another cruise ship. That again should increase traffic and more revenue in this sector. In fact, in this coming year, we should see an increase in the tourist industry for there should be more accommodation for them. And with that accommodation it means that again there will be more labour to staff, also. Now, Sir, there is one fact here that we have to bear in mind and that is the training of our local staff to meet and accommodate the tourist. This should have priority. In fact, that factor should go to any person who has any dealings with the tourists such as the Customs at the airport and the docks.

I think it would be wise, Sir, if at sometime someone could be able to instruct these people such as some of our Customs staff and some of our taxi drivers because I have witnessed some embarrassing moments at the airport of how they meet and address the tourists. Another thing in this line, Sir, I feel that the dispatchers there at the airport should be employed by the Government. With that I feel that the dispatching of the taxis would be run more efficiently. Also I think it would be a great thing if they would install an intercom system there where taxis could be summoned in a more polite manner than just shouting at the top of their voices as will as a act.

Now, Sir, sports. Sports are booming in this Island sadly. Children are getting into it, adults are getting into it and it really has come to the time where we need a proper complex facility for the kids. Sport is the greatest hobby I feel that the youth can have because it is health building and it is competitive and once they are dedicated to it, it keeps them away from other evil things and to pursue it could become professional and once it is that we are into another great revenue earning. And the potentials are here, Sir. All they need are the facilities to get the training.

You know one will only have to take a look at the Ideal Club during this Private's Week Festival to see the people who turned out there to watch the wrestling match. Just to see that will give you an idea of how much a complex is needed here, Sir. I am sure that if the grounds up there could accommodate the people, we would have half of the population there. So I have and trust that the

MR. D. MILTON FRANKS (CONTINUED): Member, whose portfolio this comes under, will do his level best to get the complex started this year early and he should get all the support that can be given to him.

Sir, I want to say while I always have and I am very proud to have that we have a Police Force that is being recognised. We also have a boat, something that I have been calling for ever since I have been here. That is very noteworthy. It may not be up to par, but it is a good boat and I trust that she will serve some of the purpose. But, getting back I think we still have to have something more than just a boat and I would really like to see as quickly as possible a radar station on this Island and that would cover our patrol boat and all, Sir. A good surveillance could be kept on the Island throughout a twenty-four watch.

Now, Sir, I come to you. It is sad to know that you are leaving us. You came here, Sir, seven years ago and took the post as Governor. You have seen this Island through from Universalism to a booming economy. As Governor, Sir, you have done your job well, a job that has called for diplomacy and technique - something that you assured that you have. I know that there have been very tender times for you - sometimes you have felt like blowing your top, but you remain calm as a Churchillian should and all great leaders do. As a Governor we have never had better. You are like a good general, Sir, who has taken over an army that was relaxed down and flounderish and brought them through to a glorious victory.

As you leave our shores, you have something to be proud of, Sir. You are leaving behind a great commonwealth. I am very proud that I had the opportunity of serving under you. I have served under men in many categories and for me, Sir, you are one of the greatest. As a leader your performance was great. As a friend, you are a friend to all. The people of these Islands are going to miss you greatly, Sir, and I pray that wherever you go that God's richest blessings will follow you and Mrs. Pairaudeau, and that some day soon as a friend again you will return to our shores. As the good book says, all noblemen never die they just fade away.

I thank you, Mr. President.

MR. J. CARLTON ANIS: Mr. President, the greatest test of progress is the desire to compromise. History bears no witness to progress and development and attaches her curse to all in action. That, Mr. President, is one of the principles upon which the world progresses.

I too, Mr. President, want to join with other Members in commending and congratulating the Honourable Financial Secretary for his clear presentation of the financial position of these Islands and the confidence he has in this Government. I realize, Sir, it has taken a great deal of work and I am sure it has taken much of his time to outline to this Honourable House all that has happened in the year 1981 coming to an end and what he expects in the year 1982. It is very able manner in which he presented the budget entailed a lot of time and concentration, sacrifice and hard work. To put everything in the right perspective to meet the approval of this Honourable House on most will be a success in the year ahead.

Mr. President, for an annual commercial policy to be put together it takes considerable foresight in planning it so to run ahead the course of the year ahead. We as Legislators, Mr. President, are only human beings just like everyone else so we will make our mistakes. We are not infallible, but Mr. President, it is our duty to correct these mistakes when they are made. In my humble way, Mr. President, the majority rules and that majority should know what is good or what is bad for them. And today I want to pledge my wholehearted support for anything that is good for these Islands and our people.

HON. J. CARLTON SMITH (CONTINUING): Mr. President, just one look at the Budget and the accompanying Address should be sufficient to convince even our most ardent critics that the years between November 1984 and November 1991 have been years of plenty for the economy of these Islands and every Member of this Honourable House has contributed to this.

The standard of education in these Islands has reached a high level and I am proud to see that a healthy part of this Budget is allocated to education. I support education not only because I always found in life that it is hard enough to make it when you have something in your head and much harder when you do not. However, Mr. President, I join with the hon. Member who said when we cannot offer free education in this country. I have enough, Mr. President, but in most cases parents from abroad who have children going to our schools are in a much better position than most of our own Caymanians. I cannot see why and I feel certain, Sir, they are taking advantage of the situation and everyone is aware of it.

I too, Sir, am aware that these people brought in here are making a certain contribution, but, Mr. President, any other place that they went to work they would have to pay for their children's school fees. I do not think there is another place in the world that would offer this advantage.

So we are found, Mr. President, with something we all can be justly proud of. Something not many countries in the world can boast and that is a surplus each year. While I realise, Sir, we need to increase pensions from time to time, we also need to think of the youth of this country and use some of this money to provide proper facilities for our young people. I have voiced this in this Chamber many times before and again I ask that special note be taken of this and something be done in the near future.

I think it is fitting, Mr. President, to commend the tourism activities and Cayman News Service and actuality the promotion side of tourism and Cayman Airways. However, tourism has to be carefully watched and monitored to ensure that the balance can last in time because in many countries tourism has affected the social condition of the country and become a procession of shopping activities, many times presenting more problems than the rental money derived from it. I am very proud, Mr. President, to see how this Government have conducted themselves to date with this by having full discussion seminars amongst the people of each district, by having people-to-people talk shows bringing out fully the gains that accrue from tourism with the idea that each and every citizen in this country is directly employed in tourism.

I would like to end this subject, Sir, by saying tourism has to be carefully integrated into any country and for any country to succeed in tourism it must have the means to transport tourists speedily and safely and this can only be assured by having a reliable air service. Mr. President, tourism can be the devil that grips any country into subjection or it can become a means by which a country attains economic independence. And I am more than proud this evening to say that our little Islands have attained the latter.

Hon. Mr. President, that income duty has been lifted from those products namely coffee, butter, macaroni and salt fish, I think it is the duty of every citizen and every shopkeeper within these Islands to ensure that this is passed on to the consumer. I consider this their duty and I would urge them on every salient point to be brought in that it be passed on to the consumer and not that they be properly advertised sufficiently to the public so that they can realise that this has been done. It would be very unfortunate, Mr. President, if this Honourable House legislated in vain and made these reductions and subsidies and shopkeepers did not follow through and pass them on to the public. But, Mr. President, I have no doubt in my mind that this will be done and that we will always have the communication that has always come from the public which has always helped us to deal with difficulties in the manner that we had to in the past.

W. J. GARTON SMITH (CONTINUING): Agriculture - from time to time, Mr. President, much has been said about the fermentation farm in Savannah or Lower Valley, either one you want to call it, I call it Savannah. Because of this I made it my business to visit this farm a few days ago, Mr. President, I was shocked to what I saw and was told that it was the fermentation farm. I wanted to see much more. Mr. President, I could have been much more in my background in my district. I do not want to be critical, Sir, but I do hope that the Member takes a serious look into this because, in my opinion, this is a waste of time and money.

Planning - I agree with our Financial Secretary when he said in his address that this department has for quite some-time been without a head. But, I also agree, Mr. President, that some of the heads that we have there we could do without. Mr. President, if I were to say exactly what I had on my mind to say I know you would have me out of order and this being your last sitting I do not want that to happen, but there are many irregularities in this department. It seems to us, Sir, it is just who you are or just what you look like to get something done in this department. I believe in fairness for all and not a select few. I have spoken to the Member in charge of this portfolio and I have the greatest of confidence that he will have these irregularities looked into and have them straightened out.

Mosquito Research. The Mosquito Research is a very costly operation and as the honourable Financial Secretary highly pointed out there will be times when they will have their setbacks just like any other operation, but, Mr. President, we have to continue supporting this operation if we intend to keep this place a tourist resort. Without this operation we would be done to zero.

Garbage. Mr. President, I want to speak briefly on garbage collection. I have been continually approached in my constituency and from other districts concerning garbage fees. I feel, Sir, any funding offered to the public and used by certain individuals, they should pay for it, but, Mr. President, I cannot agree that names should be picked up and bills sent to people and caused them to pay it. There are people, Sir, who would be happy to enjoy this facility but cannot because they are not adequate enough to assist them. Can we expect these people to pay for something they do not receive? But, furthermore Mr. President, there are names of people who had receipts on the back on the imposition of perhaps millionaires who have been killed a second time. The point I am trying to make is that in the future to any embarrassment Government must keep a proper record of those who pay and those who do not.

Banking. I am glad to see so many banks locating here. Mr. President, in the past five years some of the largest banks from some of the largest countries in the world and from some of the major financial centres of the world have located here. And in the past five years more banks have settled here than in the history of the Cayman Islands.

Broadcasting. This department, Mr. President, has to be watched very carefully. It can do these Islands a lot of good if handled in the right manner, but it also has the potential to do a great amount of harm. As I have said here in this Chamber many times before, items of unimportance should be left out and items of importance should be given more attention. Sometimes, Mr. President, I really cannot be listening to Radio Cayman. I have to ask myself whether I am listening to Radio Havana or Radio Havana.

The Prisons. Mr. President, the new prison at Northward seems to be doing well. I again had the privilege of visiting that site just a few weeks back and I am very pleased with what I saw and I would have the second phase of that prison will soon be completed so that we can accommodate all our prisoners from there and here in this prison.

MR. J. MANNON SMITH (CONTINUING): Mr. President, our Financial Secretary will be his last Budget Session in this Assembly. It is with mixed feelings that I say farewell to our Financial Secretary. We have been a man of dedicated and deep devotion to this Assembly and to our country. However, Mr. President, I am happy that he seems to be young enough to enjoy his retirement and do his own thing. There is an old saying that there is always an good fish in the sea as has been taken out. But, Mr. President, I believe that a good fish in your hand is always better than that one in the ocean swimming near you.

My tribute to Mr. Johnson is his record is worth everlasting and in my opinion will be very hard to match. My health, happiness and prosperity be with him and his family at all times.

And to you, Mr. President, this time will be your last time to preside over this Assembly. It is with great-est of regret that I say farewell to you as President of this Assembly. Over the years you have done an excellent job for these Islands as the records will show. In view of all that has been said I endorse what was been said on your behalf. You have been to me more than chief executive. In the words of achievement, Mr. President, there is good, better and best and I am saying here without fear or favour that the good Lord did bless us with an excellent leader. May God bless you and your family with health and prosperity wherever you may go and may the time come when you will see fit to come back and visit our shores. Mr. President, I think I am my that I speak for my constituency and most of the people of the Cayman Islands that you will be accorded with open arms.

In closing, Mr. President, I want to wish again for you and your family and for all Members of this Honourable House and their families a merry Christmas and a very prosperous New Year.

I thank you Sir.

MR. SPEAKER: Are any other Members ready to speak today?

There are twenty minutes. If no other Member is ready to address this Assembly perhaps we could take an early adjournment.

ADJOURNMENT

MR. D. E. FOSTER: Mr. President, I move the adjournment of this House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House be now adjourned.

I will put the question. All those in favour please say "aye". Those against "nay".

The "Ayes" have it. The Assembly stands adjourned until 10:00 o'clock tomorrow morning.

AT 4:15 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. TUESDAY, 28TH NOVEMBER, 1972.

BUDGET SESSION AND
SIXTH MEETING OF THE (1991) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON TUESDAY, 26TH NOVEMBER
1991

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CMG, CBE, - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON D H FOSTER, OBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS |
| HON D R BANNOCK, CBE, QC | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON V H JOHNSON, OBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON JOHN H HOLBAR | MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES |
| HON THOMAS W HODDEN | MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES |
| *HON JAMES M DODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON G HAYS HODDEN | MEMBER FOR COMMUNICATIONS & WORKS |

ELECTED MEMBERS

| | |
|---|---|
| **MR J CARLTON SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR D KIRKLIN HANNA | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR BENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR W NORMAN BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MRS ANNIE HUDDAH BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L MILLWOOD | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| MRS MARY S MILLWOOD | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| ***MR CRAIGOCK EBANKS, JP | SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF NORTH SIDE |

* Arriving at 10:25 a.m
Absent in the p.m..

** Arriving at 3:30 for the p.m. session.

*** Arriving at 10:25 a.m.

ORDERS OF THE DAY
FOURTH DAY
TUESDAY, 24TH NOVEMBER, 1981

1. QUESTIONS:-

MISS ANNLIN WILKIN DOUGAN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.94: Have any Members of the Police Department been given licences to operate firearms of any description?

If the answer is yes, have any complaints been received concerning anyone who is licensed to use firearms either in their private homes and/or at the Police Headquarters?

NO.95: Will Government make a statement concerning the write-off of a Police vehicle which was destroyed in the vicinity of Green Hornet apartments at South Sound and what charges were made subsequently?

NO.96: What was the cost (if any) of refurbishing the "Sea Hunt" after the initial sum of $53,000 was paid?

2. GOVERNMENT BUSINESS.-

THE APPROPRIATION (1982) BILL, 1981 (SECOND READING)

CONTINUATION OF THE DEBATE ON THE BUDGET ADDRESS

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TUESDAY, 24TH NOVEMBER, 1981

10:00 A.M.

MR. SPEAKER: Please be seated.
Proceedings are resumed.

MISS ANNIE HULMAN BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 84: Has any Member of the Police Department been given licences to operate firearms of any description?

ANSWER: Yes. Only one report was received at Central Police Station on the 24th of October, 1981.

The wife of a police officer has further reported that the officer had his firearm in his motor car. The police officer concerned was present at the station and denied the allegation. His car was searched. No firearm was found. An Inspector accompanied him to his home and the firearm was found at home concerned.

SUPPLEMENTARIES:

MISS ANNIE HULMAN BODDEN: Mr. President, with your permission, Sir, I should like to ask a supplementary question.
Has that officer been relieved of this firearm or is it still in his custody?

HON. D. H. FOSTER: Mr. President, I really do not know, Sir.

MR. J. CARLTON SMITH: Mr. President, with your permission, Sir, I would like to ask one supplementary.
Could the Honourable Member give this Honourable House the name of the officer involved?

HON. C. H. WHITTAKER: Mr. President, I apologize I really do not know the name of the officer.

MR. SPEAKER: If there are no further supplementaries we can take question number 85.

MISS ANNIE HULMAN BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 85: Will Government make a statement concerning the write-off of a police vehicle which was destroyed in the vicinity of Crewe Norman apartments at South Sound and what changes were made subsequently?

ANSWER: No police vehicle was ever written off or damaged in the vicinity of Crewe Norman apartments (now known as Coral Bay apartments).

SUPPLEMENTARY:

CAPT. CHARLES A. KIRKCONNELL: Mr. President, a supplementary, Sir. Was any other police vehicle written off or damaged in the South Coast area?

HON. D. K. KITTOO: No, Sir, not to my knowledge. I think what is confusing people is that it was a car owned by a prison officer, but it was not a Government vehicle; it was the prison officer's own car.

MR. PRESIDENT: If there are no further supplementaries the Lady Member might like to ask the last question.

MISS ANNIE SUBRAN DODDEN OF UNION TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND NATIONAL AFFAIRS

No. 65: What was the cost (if any) of renovating the "Sea Hunt" after the initial sum of $91,000.00 was paid?

ANSWER: The cost of renovating the "Sea Hunt" after the initial sum of $91,000.00 was paid was as follows:

| | |
|---|---|
| Blending of carpets | $100.00 |
| Replacing running lights (for ocean going purposes) | $250.00 |
| | $350.00 |

The following items have been added to the "Sea Hunt":

| | |
|---|---|
| Signs<br>Mats (gas and flame)<br>Charts and Dividers<br>Lifts:<br>Can Mounts | $250.00 |

MR. PRESIDENT: If there are no supplementaries question time is closed.

## THE APPROPRIATION (1968) BILL, 1967

## CONTINUATION OF THE DEBATE ON THE BUDGET ADDRESS

CLERK: The Appropriation (1968) Bill, 1967. Continuation of the debate on the Budget Address.

MR. VERNON O. REAKES: Mr. President, I too wish to congratulate the Honourable Financial Secretary on a well reasoned and lucid Budget Address and to say that I am glad that the general postures of the Government are at the level of CITIZEN.

Mr. President, although the rumbles in the private sector chiefly surround the falling off in the sales of condominiums, I cannot agree that this is the only area in the economy in which a lessening in activities is being experienced. I think it is also being very optimistic to say that the falling off in sales of condominiums is a seasonal slow summer period occurrence. This materials is not reflected in the number of condominium projects that are operating with reduced construction crews or on which construction has stopped altogether. There

MR. KENNETH O. EBANKS (CONTINUING): ...are also indications that condominium which were planned, construction has not started on these. I believe that apart from deterrents to condominium sales such as high interest rates, Government and all Members should be aware of the depressed state of the economy world wide and realize that sooner or later it must affect us in the Cayman Islands. We are not a country on to ourselves and international conditions are reflected here.

I would contend that the slow-down in construction could be described as self-inflicted. Over the past two or three years development of condominiums, in my opinion, were allowed to mushroom into a rate and this opinion seems to be supported by the tourism study carried out by Lowenthal and Harworth on Government's behalf. If I understand the Financial Secretary correctly, this report states that if condominiums units are limited to modest accommodations then the present market could support an increase in tourist arrivals of up to 15% for the next five to ten years.

Now I understand that we have over-built and that unless we have universal strains on other sectors of society and possibly on the economy, then condominium development, and by extension the hotel industry, should not build further accommodation for some time. This topic of a slow-down in the building of condominium has a direct bearing on the budget which we are here discussing.

The recurrent expenditure for 1982 is projected to increase by $23 over 1981 while revenue is projected to increase by only approximately 15%. When it is realized that direct duty and revenue arising on real estate sales accounts for approximately 50% of the projected revenue, we will readily see that any fall off in condominium building and other will directly affect the most lucrative areas of the economy. This areas, as I have said, representing approximately 50% of revenue and should would decline or even a slow-down be experienced in this area, maybe it will have a serious effect on the revenue.

The trade position, Mr. President, I do not think that a word of caution is out of place here. It is a fact that the trade position is balanced by tangible earnings from tourism and financial industry earnings and as the Financial Secretary has said large capital inflows. To the best of my knowledge Government has always given the assurance that capital brought in to these Islands and earnings on such capital will be allowed to be repatriated freely whenever a request is made.

While it is unlikely that this will cause any problems in the near future, it is conceivable that it could at some future date, if and when these capital and earnings are repatriated. Because of this I think it would be wise to try to get structure things that more of the tourist dollar actually stays in the Islands to grant on local goods and services. For example, I think every encouragement should be given to those persons who engage in the manufacture of local jewellery and trinkets and other items for sale to the tourists. And I am not satisfied, Mr. President, that more fruit and vegetables could not be produced for the trade even if economical. In this regard I am happy to see that some emphasis is contemplated on the extension of agricultural activities in the budget for 1982. Although it is stated that this is based on a study which has been carried out, and because of past experience in this area I am left to wonder by whom this study was made. I find that far too many grand expenditure seems to be on over economy that gets a lot of promises, but very few of them ever seem to be fulfilled and it is my hope that 1982 will be an exception to this rule.

The financial industry including banking and insurance. Mr. President, it is gratifying to see that this industry continues to flourish. Let us hope that nothing is done to detract from these Islands as a financial centre. I am confident that as more Caymanians get into the stream and mingle with the system more of them will eventually move into positions in the various professions, but it will take time and dedication on the part of Caymanians. Being Caymanian is not a guarantee for a job in any

HON. BENSON O. EBANKS (CONTINUING): industry that is being a Caymanian alone. One must have the qualifications and experience to go with it.

Public debt. The annual charge on the public debt, which for 1981 represents 8% of ordinary revenue, I think members will for the terms and conditions of the loans which were negotiated to provide some of the capital development in the 1970's, and before, such as the dock, the roads, the administration buildings. The boom which we speak about today could not, Mr. President, have taken place without these and the ailment which was constructed even many years before. So what we see as today's boom has really been the work of dedicated Civil Servants and politicians past and present. It is also doubtful whether the boom which we speak about today could have taken place without the Grants Plan Loans or the Registered Land Law.

While on the subject of public debt, I do not think that the fact should be lost sight of that the Cayman Airways Limited loan, which Government has guaranteed and on which approximately $600K has already been paid, does not appear in the figures in the Estimates and it would be prudent to bear this guarantee in mind.

Currency. As one previous speaker said, Mr. President, the operations of the Currency Board can be described in nothing short of a spectacular success. The fact that the operation has commenced, commencing in 1976, contributed $15,581,000 to the general revenue is commendable and has completely vindicated those who had faith in the introduction of our own currency in the first instance. In fact, Mr. President, one must ask the question whether our present success as a financial centre and tourist destination could have materialized without our own currency. The Honourable Financial Secretary, the Currency Board including the assistance which it receives from the Bank of England staff, deserve the gratitude of all Caymanians. The amendments passed to the Currency Law at this Session is another step in the right direction in my opinion.

Government is to be commended on its decision to computerize some of the Departments and the decision to place the Immigration Department and companies register on the priority list for computerization is I think correct for the reasons stated by the Honourable Financial Secretary.

It is gratifying to see that Radio Cayman is now self-supporting financially. In spite of some short comings this service is of immense value to the Islands and is slowly but steadily fulfilling the purpose for which it was instituted.

It is noted that the new prison at Northward in Bodden opened on the 2nd of June 1981 with 12 prisoners and that more recently the prison population has fluctuated between 30 and 45. It is not stated whether this increase is due to an increase in the number of inmate committed to prison or because the prisoners are kept in the Prison instead of being sent to Jamaica in the past. I hope that the latter is the case, but in any event, Mr. President, I do not think a growing prison population is something of which any country can be proud and I trust that the remedial programmes in train will in time have a salutary effect on this trend.

Mr. President, the two Members from Cayman Brac and Little Cayman have only covered developments in their area. It remains only for me to say well I hope that the implementation of the budget provisions for capital projects during 1981 and 1982 will usher in a new era of prosperity for these two Islands.

Legal education. As has quite rightly been said the articled system of legal education has been under consideration for some time. The stumbling block has always been, what examination would the articled clerk finally take? Now it is to be noted that provision is made in the Estimates for 1982 for the employment of a Director of Legal Studies to try to get the system off to a start, but it is still not clear what arrangements have been made for examinations and it is hoped that this will be explained before this Meeting finishes.

HON. DENNIS D. ROFNES (CONTINUING): Mosquito Research and Control Unit. Mr. President, I can only echo what other Members have said about this department and that is that this is a service without which this country could never have developed to the place where it is today. And I can only add further a word of thanks to the staff of that department for a job well done.

Health, Education and Social Services.

Mr. President, the increased cost in the medical services is noted. One can only hope that the standard of service delivered to the public will continue to improve and that renovations are being carried out with some overall efficiency structure in mind and with expert advice so as to get value for money spent.

Mr. President, at pages 196 and 197 in the 1982 Estimates it is noted that an increased population is being made by Government towards the pension programme as it is no longer being funded by the United Nations Fund for population activities. It is my understanding that in 1978 an agreement was reached between Government and the United Nations on its agencies whereby the United Nations, through the Fund for population activities, would make a contribution of some US$195,750 and additionally that Pan American Health Organization would provide a one and a station wagon for this programme. Government, for its part, pledged some $180,000 over the three year period and in time benefits such as staff and buildings. Now that this phase of the programme is coming to a close, if it ever got off the ground, I would have expected to have heard what activities were carried out and what results achieved and the views for the future. Is the programme now firmly established to where Government can go it alone or will consultants be used?

Education. Mr. President, much has been made of the size of the education budget, but education is a costly commodity and as someone, far more knowledgeable than I, has said if you think education is expensive price ignorance. We have no alternative but to try to improve continuously the quality of education which we offer to the youth of this country. As has been said, the results this year in the CXC and CSE examinations are gratifying and we hope that they will continue to improve. But it should not be taken for granted that this means total success for the entire education problem. Much still remains to be done. A close look at the results will reveal that of the top 12 students, 7 only came from Government primary schools. Four came from private primary schools and five entered the High School from schools outside the Islands. The results of the Middle School effort on the examination results are yet to be seen, but the primary system needs a lot of attention.

Again, Mr. President, it is noted that in 1981 154 children graduated from a class that started at approximately 250. Normal attrition is accepted, but there were also many children entering the form along the way (I made some mention of this earlier), so what happened to the other 42% of students? I know, Mr. President, that it is not an easy task, but somehow the value of the arts and crafts courses must be driven home more forcefully to students. Again of the four mentioned in the results, it will be seen that very few pupils were recorded in subjects such as woodwork, motor mechanics and home economics. These few may be an improvement on the 1980 results - I did not have time to examine the figures, but they are still not enough. Just as the academic stream is increasing, the attrition from enrolment, the arts and crafts stream should be pushing the Building and Trade School and the Rural Training School and it is hoped that we will see a continual improvement in this direction.

While on this subject of education, Mr. President, I might as well restate my position on the subject of the school fees imposed on children now of, now deemed to be of Caymanian status, during this Session. I cannot accept that the possession of Caymanian status should make this criteria, whether a child receives free education or not. I maintain that persons who are normally resident in the Islands contribute equally to the economy whether they have Caymanian status or not. I cannot speak for every country, but as far as I am aware the determining factor, whether students pay fees in government run schools, is residence. It is my under-

MR. NELSON O. SMITH (CONTINUING): standing that if a person is legally residing in a place, then they receive equal treatment as far as educational facilities are concerned. It should not in my opinion, Mr. President, be too difficult a task to decide who is resident in the Islands for these purposes. I am not discussing the broad and technical definition and many legal arguments that could be induced about the definition of residence. But for this purpose there should be no problem in determining this. It seems as though someone is going to commit something along the line, or discussion, when these fees are imposed, since, by the same law, we abolished the definition of primary schools and secondary schools and these are the categories in which the fees have been applied. But irrespective of what happens elsewhere, Mr. President, I maintain that the introduction of fees in the manner in which it has been done is a limiting factor in our society and an unnecessary one.

Have we taken into consideration those persons who reside here for many years, make contributions to the economy and still make no use of our schools? They send their children abroad. And, Mr. President, we would not be standing in this Chamber and elsewhere talking about the great strides that have been made in education in these Islands during the past decade or so, if it were not for the generosity of the British Government in granting us funds at concessionary rates for educational development; and for a period coinciding be with resettlement in meeting some of the costs of recruiting teachers.

I want to make it very clear, Mr. President, that except on the question of principle, I am not here concerned with the number or layout or nature of that salary. They can well afford to pay tuition for children and in many instances probably get allowances for it. I am concerned about these persons providing valuable services in the community whose children may be denied of an education because of this or because of the fees. As I understand the law, there is no provision to waive this fee, but it is still necessary for children to go to school and I hope that this does not create a dilemma in the future.

I would also say, Mr. President, that since one or several there and if I am in motion wrong I would be only too happy for it to be done.

Mr. President, it is indeed pleasing to note that construction on a new terminal building for the Owen Roberts International Airport will be commenced during 1968. This facility is much needed and in my opinion long overdue in being provided. May this mean that I hope is that it was not built earlier when financing could have been obtained on more favourable terms. It is also pleasing to know that construction will be given in 1968 to the provision of a terminal at the Gerrard Smith Airport in Cayman Brac.

Water and sewerage. Mr. President, it is pleasing to note that Government is doing something concrete about the implementation of a water and sewerage scheme. Of necessity this project will take a long time to implement and invariably no benefits can be expected from this exercise for the next three to four years. Again, this will be a very costly undertaking, but it is one, which of necessity, the country will have to face. My hope is, Mr. President, that the Cayman Water Company can cope with the demands in the meantime and that no water-borne epidemic will result from the present unsatisfactory situation.

Mr. President, it is gratifying to see that Canadian assistment aid in harnessing to subside in, and it is my hope that this trouble will soon become a minor because, as I said earlier, the country has several necessary and essential programmes such as water and sewerage to be implemented which will have very costly and wealthy but great effect on the country's financial resources.

It is noted, Mr. President, that the study carried out by Mid-South Engineering Company of Fort Lauderdale on Government's behalf has been reviewed and that certain points have been selected for immediate treatment. A vote of CI$100,000 is in the 1968 Estimates for this

MR. DONIAN D. MACNEIL (COMPTON-WOLFE): ...numerous, but I would have been interested to know what type of treatment is recommended. Undoubtedly the public is also interested in the solution to these problems.

In the 1968 Estimates, Mr. President, a sum of $40,000 is included as a contribution to the Inuvik Youth Centre project being undertaken by the United Church of Canada on Crystal Crescent. It is also expressed that it is hoped that this will be used by other religious organizations as well. And I would hope, Mr. President, that steps are taken to see that something is done to try to make this planning of the Centre possible.

The tourism study, Mr. President, which Government is now considering, points out several areas that should be treated with caution in the development of our industry. The question of negative impacts of immigration on Canadian population, economic, regional and sociological planning, increased social tension and rapidly changing social environments are areas needing immediate attention and the question of over building which I spoke of earlier.

In the capital development vote for 1968, Mr. President (these Estimates being somewhat differently constructed from previous Estimates), it is difficult to pinpoint specific votes. I gather this difference is to facilitate communications of the programming and I can accept this, but I would hope that in my own District, Mr. President, the roads which, with allotment for improvement or construction this year will be done in 1968 as I trust they could be completed this year. And I am also pleased to see that the money for improvement, if not a new climb at Rae Bay is included.

Mr. President, one of the new services which I cannot support is the Government Information Services which in 1967 we were told will cost $220,100. I believe in communication, I believe that it should be done professionally and naturally, but Mr. President, this could have been achieved in a Government department. I regard our Civil Servants as professional and capable people. I cannot support this vote going outside of the Government services. In a newspaper article entitled something like, "What Canadian News Bureau", you will find comments such as, "our loyalty is first and foremost and entirely to Government - we will only use good news, the bad news troubles down fast enough". Mr. President, I believe that communications which the people should be told should be total good and bad. It is better to give a straight story than to let rumours circulate as they roll down the streets. In this same article it would appear that all this Government would be paying for promotion or publicity abroad would be the $101,000 paid to the News Bureau. But Mr. President, we are spending a lot more on publicity than the $101,000.

In addition to other sums in the tourism vote we have, at page 148, a block vote of $1,814,700 for other operating and maintenance services. Now in the explanatory notes which we received quite early, this seems to be broken down into advertising $850,000, public relations and exhibits $300,450, collateral and photography (which again is part of publicity) $190,225, translating $17,000 and secretarial expenses for the various offices. And, Mr. President, I am not sure of the figures given at that point for the secretarial expenses of these offices because we have substantial sums again for each of these offices except the office in London which we are told has recently been opened and replaces the office in Germany. The office in London appears in the vote on page 148 according to the explanatory notes, but it does not appear in the vote at page 144, and I would hope that we will have some explanation on that.

But, to get back to the nitty gritty of the News Bureau or the Government public relations operation, I am saying that this should be, Mr. President, should have been and should be a department of Government. We are a small country with limited resources and we do not need unnecessarily to follow the larger more developed countries. I consider it, in the final analysis, an extravagance. To my this permeates more, Mr. President, of what one would find in the South American area of politics rather than in the Westminster style to which we are accustomed. If the job of this

MR. SPEAKER O. KWAME (CONTINUING): ...organization is to make the Government look, well then I think it will have failed in its responsibility to the public. And when the time comes to Finance Committee, Mr. President, I will not be surprising that vote.

Mr. President, this is the last Meeting of the Assembly over which you will preside as President and I could not let the opportunity pass without too earnestly to you my gratitude for all that you have done for these Islands during your seven years of service here. I think that you have been enterprising to preside at Government over these Islands during seven very exciting years of its development. It would be hypocritical of me to say that we have always seen eye to eye, but I believe in the final analysis that whatever you have done with proper intentions for the good of the country and this is democracy at work. I wish for you, Sir, a long and happy retirement and for your family I wish the same and I convey to you best wishes for Christmas and the New Year. And I hope that one day you will find it possible to come back and visit us from amongst us.

This is also the case, shall I say of the Honourable Financial Secretary and I would have, Mr. President, to say to him that his record in the service is an enviable one, one that should be emulated by younger Civil Servants. We have seen the hills and the valleys of economic upturns and downturns in this country and he has always managed them well. I wish for him and his family a long and happy retirement and the best of everything in the future.

I thank you, Mr. President.

MR. PRESIDENT: I shall suspend proceedings for fifteen minutes.

*AT 11:15 A.M. THE HOUSE SUSPENDED*

*HOUSE RESUMED AT 11:30 A.M.*

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MISS ANITA HILDAH POWER: Mr. President, the first thing I am going to do, Sir, is to ask a question. And the question is this, what Chamber can we resident in but the all the goodness and the kindness towards us in bringing us from a little, I would say, unknown, unforgotten bit of land so to where today we are one of the most financially blessed places in the world. We can have today through the goodness of the great God Almighty. There is not one human being who has sat in any Chamber called a parliament building, vacancy or anything that you can call it, that can say to themselves, I have done it. You know who has done it. Fate and Providence on the good Almighty Saviour, that is where we are our success to and I feel today, Mr. President, that we should be less than human if we did not agree that we owe everything to God.

Now, Mr. President, before I proceed with my debate I am going to say one thing. I do not want to be offensive, but it is this. I feel that when any Member is speaking, first you Sir, the President then, to the most ordinary human being in this Chamber who I consider to Annie Hildah Walton, that the Members should not be whispering amongst themselves and snickering. Now that is very unparliamentary like. Regardless of what we may let us give each man a chance and the one they know, or the more they think he's wealthy.

Mr. President, first and foremost I would like to say that I wish congratulate our Financial Secretary on his retirement. I am not saying this Nonsensecastle, Sir, I am saying it with most sincerity that this little boy (me) I hope he will not be insulted when I

MRS. LOUIS JOSEPH MARTIN (CONTINUED): still has little cash from a very ordinary family, but he had one guiding feature in his life and that was a good mother. And I am very sure today that she will say that his success is due to the guiding influence of that good woman. Now I do not know too much about his father, I did not meet him very often, but I knew that he had a wonderful, good mother and I feel today, Sir, that its success is due to her training from the little boy upward. And I feel that we should be very proud of having, I would call him, a Caymanian who has accomplished so much with so little. He did not have a college education, but he had the feelings of compassion which, in my opinion Mr. President, is far more worthy than all these pieces that are being produced.

Mr. President, as a little boy, I would call him, I was acquainted with Mr. Johnson. In 1940 I went to work in the Post Office and there I met Mr. Johnson as an official I would call him. He had in those days quite a lot of problems, Sir. For instance I received £8.10 a month and my senior, he managed to get £9.10. Yes, the books at that stage, Sir, shortly after the war endeavored with an much good conditions happened a lot of work had accrued and all kinds of things had happened and we had to start almost from scratch. And Mr. Johnson's working was so perfect and his work so grand that we recommended he take over the entire duties through back of all these accounts. And from then on I would say that he has played a tremendous part in our Government.

On Sunday I was very ill with the flu and did not have too many visitors, but one lady came to my house and she said, "What is this I hear - Mr. Johnson is leaving Government", Well she said, "Let me tell you the Government keeps on one post," (she held her finger up like that) and she said, "that post is in charge of a very honorable, dedicated, good man and the day that he leaves this Government I feel sorry because I am sure there is not another man in the Islands who could replace him and do the work that he had done." She said, "We have a Governor, but I do not believe the Governor is in charge of finances - he gives the orders, but", she said, "Mr. Johnson, the Financial Secretary, it is he that he is on of the reasons and anything happens the whole Island will collapse." Mr. President, I agree with her. The day when we do not have a strong, sound, intelligent, honest man at the head of our finances to tell us right when we are going wrong, we are in trouble. And I am not saying this to flatter Mr. Johnson because flattery is food for fools and I am very sure he is not a fool. I am saying this in all honesty and sincerity and I do hope, Sir, whoever his replacement may be that he will try, at least try, to follow the steps that Mr. Johnson has walked on. I feel, Mr. President, that we are losing something today that we will not be easily replacing and I wish you him, Sir, God's blessing. And if I were not so old I would challenge him to come to my aide and in fact we should have a race.

I am not saying yet, Sir, that I am going to get out of the Assembly. I want each New Year's day to receive Guidance from Almighty God. Last year June 1980, I was not so sure of what I would do, but my special text in the Bible is, "In all thy ways acknowledge him and he shall direct thy paths". And another favourite one is, "Be still and know that I am God". Well I stood still and God directed me that I should take another stroll in the Assembly. And I am here and I think that I have never let down myself. I have never tried to advocate anything for Annie Haldon Holden. I have tried to the best of my ability to help all and sundry. Now I am not saying, Sir, that I have never made a mistake, I have, however, but each Wednesday and anytime I make a mistake I am quite willing to accept it and say I am sorry. I feel, Mr. President, that we as a people should be more than thankful for the leadership that we have had from you, Sir.

Now I could tell you, and you might not even believe me, that I have known of leaders in our Government who made the people tremble in their shoes when they heard he was approaching the Post Office, for instance when I was working there, who were absolutely

MISS ANNIE TUDOR SOUCHE (CONTINUING): afraid of him. Now with you, Sir, people respect you as a good, kind father. You have never step beyond any animosity against anybody, I am sure about it, and you have treated to civil servants like they were your children. But, we have had leaders here who women hated because they sent of them the family life apart - they did not like that at all - but you, Sir, one thing that I admire about you is that you are leaving this Island with a clean name. You have not known that His Excellency being involved in anything except something honourable and good. I am sorry that you are leaving, Sir. You had maybe one weakness and that is that you did not use your strength to show all of us, including myself, that we were not always right. But anyway, whatever you go I hope that God's richest blessings will follow you and your family.

Now, Mr. President, I feel today that we as a people, small little three section of sand I would call us situated in this vast ocean, should be very proud of ourselves and our accomplishments. We have come from rags to riches. I remember, Sir, the first budget that I ever saw when I was sixteen years old, the estimated earnings were £10,000 - the expenditure £10,000, £5 we had to hold Sir, and we managed to go on. The people have dedicated servants, they tried their best to make the best of what they had and they succeeded. Now today we have given to be I would say millionaires, but we should still not be content with the money part of it, we should endeavour to do what is best for our country.

Mr. President, I think that one of the first companies, that was ever registered in the Cayman Islands was the Cayman Islands shipping company and we did not have our own law. We had to copy the Jamaican law to get the CIMCO company formed and I had to type all that and that was my first experience with our company law. Well so far, Mr. President, we have achieved a lot. We have our own Companies Law, we have our companies office and we have thousands of companies registered in the Island of which we can all be justly proud. But, we have come, as my mother told me, from nine pence to riches and it is all through good dedicated work of all the civil Servants and good leaders who have been sent to us.

Now looking, Mr. President, although we have a vast number of very important banks I would like to tell you, Sir, that there are a lot of people whose faith is founded in that little Government here. Because, regardless of how bad times may get we still always have a Government - I feel very confident about that - but we should have with God's help a stable Government. And a lot of them we would call the ordinary man (if you could to them) come to me to ask advice and say, "Well I have sold a bit of land", or, "I have a little extra money somewhere - where is the best place to put it?". Well they in their humble way would say, "I believe the Government bank because we see always going to have some kind of a Government and these other banks can break, they can go away and leave us, but we will always have a Government and the Government bank, in our opinion, is a safe place." And I agree.

Now about unemployment Mr. President, we cannot get everything and I feel that we should never have fears of unemployment. People's lives are at stake and when they go out on shore like the Americans some, those who go down to the sea in ships, they are the workings of God. Well when they go down to the sea in ships I feel Sir, that they should have every precaution to see that their lives are safe. In the past we have had experiences where ships have gone to sea without proper lifeboats and the result was dumping - some never returned. We have had hurricanes where men by the hundreds have been lost at sea mainly because of bad weather and with the lack of proper communications and facilities on the ships, they have gone to the mighty ocean to be buried there. So I feel unless we can regulate our business that we can get all the sound, good facilities needed for this registration we should abandon that for the time being.

MISS ANNIE FULTON BOGGS (CONTINUING): No insurance, Mr. President, I am not for all persons to insurance, but I feel that those who can do should have their job and that we should benefit from it greatly.

Mr. President, when we think of this Middle Island and the tax dollars being able to mean figures, and I am sure they will become reality, that we are entitled to have $45M to $50M to work on is nothing short of a miracle. And it had to be good management. It had to be good oversight and it did not happen since 1972 or 1976, it has happened all during the years. Because in the olden days we had men of foresight – they were not all influential – but they were people who were looking out for this country. Mr. President, I suppose we have here in the Chambers some of the most influenced people you will find in the world, people who hardly know their A, B, C's, but they have conscientious and they believed that we should be honest, we should fight for what was right and always will we should not expect Government to do anything. We had a part to play and they played it. Now they did not all agree all the time. I have heard some very strong arguments on the old Pan Mill amendment, sometimes – if one district got a little more than the other there was always that feeling. But in any case they managed to surround and to work together from the good of all and nothing.

Mr. President, to think that we have risen to success to building above of a miracle. And I must tell you, Sir, that I figure that the creation of our own currency has played a short part. When that was being worked by my colleague from Ohio, Ron Howard to the left. And I was teased that they were going to put this one's picture on it and the other one's picture on it and they thought it would hurt me. I said that I did not want my picture on although I am good looking enough to go there, but I felt there should only be one effigy on it and that being Her Majesty the Queen. But anyhow, you went on it, but always to not our women's pictures. Mr. President, I had anticipations – I do not know what they thought I could do – from all kinds of people whose grandfathers had emigrated to this Island saying we and us on this money. I said "No, let us do what is right, do not let us get ourselves upset about whose picture is going on it. Let us do something that is right. Let us do something that will provide us." And we have done a very good job. I am very proud that we have our own currency and as soon as I can, I am not exactly sure but anyhow not in the upper bracket I may even have been able to get a set for myself and all I can hear is, "What are you doing that for – wasting your money?" I said, "Oh no, if I am even wasting it, it is a pleasure I get." And I am very happy that this currency board has proven itself to be a worthwhile project. Now, Mr. President, that was in 1972, the 7th of May I believe it was, and many things that we have done a magnificent job and again, thanks to our Financial Secretary whose name appears on each and every note.

Now, Mr. President, as we have visible debts. I have heard it mooted from platforms that we have so much that all we could do was run the Island into debt. But I consider we were wise people because we borrowed money when you get it practically for nothing. We made a mistake when we did not have the amount and everything built when we could borrow the money at such low interest. And we had to impose and now, the former Governments in which I include myself, have left landmarks on these Islands that the only thing that could ever undo be a big hurricane. And I have and pray that that in this good money will mean let us experience a second one because we have this wonderful building, we have the Court House, the prison land I do not like the prison I must tell you because it shows that our behaviour is not that good nonetheless, we have schools, we have roads, we have this dock, we have a great number of projects which in my opinion are done, Sir, we never end. We did not even have what we laughingly might now let's close to have them on the streets. So all these improvements have come about and through the working of dedicated people.

MISS ANNIE BULDAN DODDEN (continued): Now the computer system I am very sure will be very effective. I wonder sometimes how our Government can ever, without mechanical assistance, to prepare all the figures and things which they have done. But now that we have gotten this equipment I feel very sure, Sir, it will be put to good use. And I congratulate those who were thoughtful enough to see that we had such a service.

Now, Mr. President, I must defend the Department of Broadcasting. You know, Sir, when that was first moved in here there was a lot of opposition. Some people did not want it at all. They said it was a waste of time and money. Some wanted television to accompany it. I said, "Let us get one thing at a time." And we have gotten that and while they do not broadcast every day I see here that Annie Bulduh Dodden says this or Annie Bulduh Dodden says the other thing, I am not worried about that. I feel that it is a service for people who, perhaps, some of them, cannot read. They cannot read the newspapers, but they can always hear what is going on and I think it is a wonderful service. Now not all the broadcasters are the people who live who we, I agree - some of their English is very poor but I do not blame them they are trying and I feel that they should have their programmes carried out in such a manner and tought if they do not know how a word is actually pronounced our told how they should pronounce it. But on the whole they are doing a great job and if they never mention my name, it is all the same to me. I feel that their purpose is to let the country know, and the world as far as radio reaches, what we are doing in the Cayman Islands. So I feel that we should encourage them to go forward. They have some good programmes and some not so good. I do not like this old Buddan calypso music, I might as well tell you the truth, Sir. I love the early morning worship and it is very inspiring to get up and hear the good things that God has done for us and to start the day off right. And I feel that they should be encouraged to proceed, and of course as time goes by they are correct, but let us not discourage those who are trying to do something because we are not all perfect.

New Immigration. Mr. President, I feel Sir that we have always had to be dependent on the outside help. Now there are of us who are young, we have that we have people who believe that they can rule the whole world. These three little grains of sand do not need any assistance from anywhere. We do not need any Englishmen, we do not need any Jamaicans, Canadians or anybody - we can run the whole show. Now, Mr. President, there is one answer. We need people who can assist us. If it had not been for Annie Kimble, that wonderful Lastman who sacrificed his all to come to the Cayman Islands to preach the religion of Jesus Christ, we could still be heathens. And He was not a Caymanian. So see what they would call us as newcomers and where would we have been without him followed by all the good people who have come here and sacrificed? Because when they came here they came almost to a desert island. They have sacrificed their time, their hospitality and everything. Take a man like Dr. Roy's father, Mr. Frederick McTaggart; take a man like Mr. Grant Ebanks's father - they came here almost to a desert island, but they preached and they taught and they sacrificed themselves to start off with. Now if it were to these days you would have them all not want any Caymanian, they did not want this and they did not want the other thing. But Mr. President, when this Island was discovered I am sure that people had to come here to establish it. What would the Cayman Islands have like today with just the turtles crawling on the beach and nobody living here? Would we have gotten anywhere? No, we need people to come & places inhabited and to live as right and I feel, Mr. President, that while we should not resent any and everybody who comes to our shores, we should have them screened and if undesirable come here send them back to where they came from, but when good people are willing to come here and work in their lot with us we should welcome them readily. Because, Mr. President, you might not know this, Sir, but those who will tell the truth will tell you that there are Caymanians who have travelled over the world and in any place where there

MISS ANNIE HYDAR MINOR (Continued): belongs like some Caymanian or the other has gone there and perhaps left their own country and married there. So why this talk about people coming here? Why this discrimination? We need people, good people to help us build our society and to carry on.

Now I am not happy or will not instances with the Caymanian Protection Board. I think that they show discrimination in a lot of instances. And there was a famous case in court not too long ago which I thought was very unfortunately handled because we have this law, might be wrong there are certain things in it and we must go by that law regardless of colour, class or creed. And if any member of the public applies to get Caymanian status or a work permit, and there is ought against him, like we think maybe having him before his movements. If I am accused of robbing there or having mafia money or stealing, not a case was brought against me in the Court and where I was willing and ready to present myself and have my evidence heard, and if I am wrong deny me of that Caymanian status even after I have it and send me off. But do not do this thing that is not right. Let every man have a chance. And I feel that our people did a magnificent job in following the law.

Now the Police Department. Mr. President, I have always observed, the first job I think the first word you spoke to me when you arrived at the airport was that you heard in England that I wanted the Police as police. Well, Mr. President, I happen to find that if we have police who are unarmed, obedient men that the people would stand more in fear of them.

I remember as a child we had three or four great big bull men and all we had to hear was a policeman coming and we ran. In those days one of my favourite games was riding marbles and sometimes when we had to walk it was not exactly a public road, but we would get there after school and play these marbles and all we had to hear was, "Mr. Bodden coming", or whoever coming and we went. We crashed no more marbles and went about our business. We stood in fear of these men. And I feel today, Sir, that if we have young, big, strong, obedient men who do not go about with their arms around the women and all that foolishness, men who are respected, that we could accomplish a lot. We might not have as many juveniles because they would respect and be afraid.

I remember, Sir, when Petticoat Road landed here at the old Cook Shop the Bryacotts and the Childrides were all grouped and so excited to see the Britannia out in the harbour. And there was a lot of confusion and the man in charge (he was a little man of about that height) could not get any order. Mr. Kirkconnell arrived and said, "Line up", and everybody stood to attention, everything went on beautifully. That day I learned that small people cannot accomplish very much with these badly behaved children.

Now Cayman Brac and Little Cayman. I think they have come into their own and I am very happy that we have two such able representatives - people who are born to defend their country. Now I am very sure both these gentlemen here are not seeking anything for themselves, they do not need it. They are seeking the welfare of the two sister islands and I feel that they have been getting a fair share recently.

Now the Public Works Department, Mr. President, is not doing a bad job. I was very surprised to see some roads being black-topped and we must continue with our road work. We must not waste too much money on this advertising, this News Bureau stuff. We must see where it will be for the benefit of all and saving. People can hear the news from the newscasters and from the broadcasting station, but we do not need this stuff here. It appears to me that they have been advertising themselves. I do not hear anything about what is good for the Cayman Islands. They are only telling you what they can do and what they can accomplish and we do not need that. We need services, we need to see results for our money because, Mr. President, talking is the cheapest thing in the world, and writing almost as cheap. We need action and we need to have

HON ARNIE SOLOMON (CONTINUING): people who are dedicated to making the Cayman Islands a better place to live in for all the people. We do not need people who are bringing and saying, "Well we are doing this". I do not ask anything for these years that I feel have contributed anything to the Cayman Islands benefit, I do not use it - maybe I am biased but that is how I feel about it. And Mr. President, when it comes to the vote for this amount of money I shall not vote for it, Sir. I shall not. Now I have stood alone on many occasions in this Chamber. I have been called a crazy woman, I have been called a fool, I have been called everything except something good; but it was what my conscience dictated to me. And I feel that this money, Sir, could very well be spent for the betterment of our people. Put it on roads, put it on street lighting, put it on things that will benefit all and society.

Now the all committee in Cayman Brac; I am sorry to hear that that is splendid on the decline, but they have contributed greatly to the part of the two smaller Islands and I feel that You will provide something else if that goes out. Something else will come up.

Now the Legal Department. Mr. President, I feel, Sir, not since Mrs Lee came to work over, not since the former man, but all during the years that the Government's contracts, more or less, have been one-sided or more against the Government. Always against the Government. We were no more and we wanted legislation really that made us have anything that we were offered we accepted. Now she worked with Mr. Greenhill was a good thing, it saved us taxes. But it was a one-sided contract, but it was the best they could do in those days. [Mr then was a fortune, but as time progressed it was the means of stopping tourism in this Island and while the contract, I feel, was not in the best interests of the Government reputation it has worked. And I feel that when we are making new contracts now every thought should be put into it to look out for the future because, Mr. President, we live one day at a time. But we must consider that future generations will either curse us or bless us for what we have done individually here.

Now I afraid, Sir, that we depend too much on outside help to get our fruit and vegetables. When I was a child, Mr. President, we were all poor land and we alone, that was the universal thing - the poor had to get almost anything in order to keep alive we had to plant our own little garden. We grew cassava, potatoes, bataina, cumplow, we raised our own pigs and including the breadfruit which grew in abundance we were able to keep ourselves in food, more or less. We had to depend on the outside world for sugar and flour, cornmeal, matches, kerosene oil, but ordinarily my household had their own little garden. And I feel, Mr. President, we could still do that if we were looking in the right direction.

A man told me some time ago, he said, "You know the only thing that we have got to import into this Island was Indians, everything else we have to import now". Well, Mr. President, it should not be that way. We should have small developments where people can grow their own little vegetables and feed themselves if necessary and a lot of money would be kept in this Island. Just take the amount of money that we have to send abroad to buy vegetables alone. It is only recently that we have not had to import our bananas from either Honduras or Jamaica. You would think with the coconuts that are existing in this Island we could have a plant here and manufacture our own peanut oil and save all the importation of peanut oil and all these kinds of things if people would just get down to business. And of course that is how we have got to do, we must be inclined to work as how we did in the olden days.

Now, Mr. President, I assure also the noise level enough of the Mosquito Control project. All my life I have suffered from mosquitoes. The sound of one makes me sick. My mother and sister always told me, "You are not the only one the mosquitoes are biting, why don't you keep quiet about it"? I said, "I cannot". I feel, Sir, that Mosquito Control

MISS ANNIE BODDEN BROWN (INDEPENDENT): has been one of the great waste that has brought this Island up to where it is. Which country would come here to be eaten alive by mosquitoes. You could not go out at nights, you had to carry a fly pan everywhere you went. You could not breathe, mosquitoes were almost unbearable, but thank God they have been partially eliminated and I think, although some people do not like it, I do not know why, but whether you like the man or not he has done a noble job. He and his followers I think deserve a lot of credit.

Now, Mr. President, Health, Education and Social Services. I am very sure, Sir, that I get a lot of criticism about the schools. Well I would like to have and was understood that not one human being like a woman in the Cayman Islands in the poor circumstances that I have been in (not so now, but I have been very poor) have educated and reared and reared a shilling or attempted to try to help educate people who could not help themselves. When we started the Cayman Boys School I had a little girl's school here. She came to me and she said, "Cousin Annie I will do anything in the world that you want me to do, I want to go to that school". Well, I term them I think was £5 and £5 was not easy to pick up then, Sir. I had to skimp and do a lot of things to get that £5 to pay. My sister went and bought the clothes, made the trousers and uniforms and as most boys to school. Now I remember, Mr. President, that was a credit to my account because that girl has turned out to be a worthwhile woman and I do not expect anything from her. I do not want anything, I do not need anything thank God, but she appreciates it.

Some other little families that I used to mind, I bought their school uniforms and their books. Now I had a job to get them to go to schools, but nevertheless I tried and persevered and they went and now today I met one of them out by six-five the other morning dressed up in his uniform (I think he is working for the Esso Service Station) and I was proud of him for what he has accomplished and it was through the efforts of having a little education. I feel, Mr. President, regardless of how much money it takes to run this country and educate the people, we should remember it very seriously.

Now I was not in favour of charging fees to the secondaries, for which I am criticised. I feel, Mr. President, that people who come here and work and contribute to our economy should not be allowed to feel like intruders. I always read the story of when the Israelites went down to Egypt. They went there to escape from slavery. One of their brethren was a leader and they were looked upon in scorn and given an outside place to live and I am sure they were very humiliated. Well I do not mean that to harrass here.

When foreigners, as they call them - I call them non-Caymanian, come here we must let them feel at home. Caymanians did not go almost just from the hour of travelling, they went to earn a livelihood and they all did and then came back. And I feel that people who have come to have their livelihood, but nevertheless we must not let them feel like outcasts and I will never agree with it. I contribute as much as I can to all the worthy problems in this Island and I am not going to do anything to discriminate against those who come here to help us. Whether I am right or wrong, whether it might be the downfall of I were young enough to run again it does not matter. I feel that if we are to keep a decent looking world we must treat all our people as Christians. I do not want the Englishman or the Canadian or the American to feel that there Dependence are awful. We do not want that. What are the churches for if not to unite people in thought? Then we go to church and are there Sunday after Sunday and pray and sing and say God be merciful to us when we are not merciful to other people?

I supported this that they do not pay any fees. I feel we could get the money otherwise and I am convinced that I was not wrong. If the public feel I am wrong, well they can express it. But, Mr. President, the look of interest in this Assembly - look at the

MISS ANNIE BELLE BOWEN (CONTINUING): people who come here and spend a week or two trying to put this country on the right footing. Do you know any of them, I do not know what to call them, rich and influential people coming here even to Windsor? They do not. They cannot spend that much time and we come here and try our best, but they seem not to appreciate it.

Now, I am not pleased with the Speaker's ruling on what I heard. I feel, Sir, that that Hansard should be kept in a sanitary condition and every committee made to keep it clean at all times. Mr. Speaker, as I said I am an old lady, I remember that first little hospital we had and the nurses there had to grapple the walls with what we called octagon soap and sheets. We never had all these high falutin disinfectants that we have now and we never heard of any infirmium there. Some doctors had to go as far to operate on kitchen tables in those days and the people's lives were saved. Now we have a modern hospital and it is the duty of whoever is in charge, nurses, doctors or whoever they may be, to see that everything is kept in order. And anytime, in my opinion Sir (I know I have not got the authority to do so), that any doctor or nurses who does not want to cooperate and mix things run smoothly - well, here is your money, go about your business. But I feel that we have good doctors there and kind people and people who understand that we must not allow this Hospital to get into any distressful reputation or who is causing any trouble.

Now the Veterans' Council of Sandwich Windsor have done a good job and they can still accomplish a good job. And I think the Old People's Home is a necessity. I have not many and those that I will never have to go in it because I have my own home down there and I would not like to be there it. But, there are people today whom I know would be glad to get into that Old People's Home if it were built. And I have said many times it will soon be an accomplished fact.

Now, Mr. President, we can't live on tourism, but we should never sacrifice our high principles to get tourists to come here. I feel that we should have class, we should not allow any muffinfiffle to come here, any of the junk murders, one of these people who . . . Detroit just sell the rest of it. We should have proper people. If we want to keep our society at a high rate of morality and good behaviour we do not want any and every class to come in here. We must see that only the best are allowed to have residence here and anytime they do wrong send them back where they came from.

I am also happy to know that we shall eventually have a proper airport facility. Mr. President, we did the best with what we had. And it was a weekend that we were able to have that agreement on it to. We made one big mistake, we, the former Government should have borrowed money and had that built then. That was a mistake, but you cannot do everything at one time.

Now the Government has vehicles which I feel sometimes, Mr. President, they are not being properly taken care of. I feel that any policeman or officer in the police, regardless of who he is, if he has a scrape and goes out and destroys a vehicle he should be made to pay for it. I think that whoever does wrong it should not be made light of. We must see that all get the right treatment and I feel that whoever does wrong let them be chastised. I am sorry that we have to have that prison built there. I feel very sorry for the innocent persons the game of life has acted antagonist of us from getting into trouble and we should be patient and kind to them and try to show them their errors. And, if possible, to try to have some kind school where they can learn to be better citizens when they come out.

Now this water and sewerage, I have heard so much about that. As Our Town Capt. Reid talked about tiresome occasion when he was here, I am not sure whether it will ever be accomplished or not, but I hope so because it is a dire need. Mr. President, I cannot understand

MISS ANNIE GOLDAH EDDEN (CONTINUING): the Planning Authority allowing any buildings to be erected without proper water-storage facilities and I feel that that is a necessity and one that should not be neglected.

Now, Mr. President, I see that the Government has favourably considered a donation to our Provincial Hospital. Mr. President, there is one thing I do not agree with and it is this that we cannot allow any church of any faith to be mixed up in that because, as I understand, there are some very prominent politicians around here now that claim that Abraham is first, Moses second and Jesus Christ third. We do not want them mixed up in our Youth Centre. We want the gospel to be proclaimed as it is - Jesus Christ the Head of the Church and not Moses or Abraham or anybody else and unless that is done, Sir, if I were an Elder of the church I would not consent a donation except if it were to be for the churches who fear and honour the Lord, Jesus Christ. We do not want any mix up in religion anymore here, Sir. I know I have a fault against the Caymanian Protection Board because I had a client here, a Reverend Samuel Marvin Curry who was a coloured man, but he was preaching the Lord, Jesus Christ down in Bonaventure and the trouble they gave him - they would not give him a work permit. They would not allow him to remain. Now he was not preaching any outlandish religion, he was preaching the plain gospel facts and to people who would not go to these high falutin churches. But they would not give him any work permit and I see and hear that certain religions who have some kind of minor faith, I am not sure what their belief is, but they are allowed to preach and head and go on and talk about Jesus Christ is third in our world. We cannot and should not accept that. So if that is a stimulation, Sir, I would recommend very heavily to the United Church not to accept this donation. But I feel, Sir, there are good honourable Christian gentlemen in this Assembly who will agree with me.

And I am glad to learn there is a reduction in some of the foodstuff. But, Mr. President, we cannot go on and on and on reducing duty because when you look at what duties and everything else is duty free. And I must say I have implicit faith in the merchants that when they get a concession they are not going to charge us through they did not benefit. I do not believe in that kind of thing. I believe that they are honest, but they have to make their living. They are not go into their stores away day and work, and if a thing costs $10 and is to be sold for $10 they have to make a profit to pay their staff. But I verily believe that when the Government gives them a concession that they pass it on to the public.

One another thing that alarms me, Sir, is the stand that has been taken against this water system. They say water is only for the rich, that is not the truth, Sir. The rich have their cisterns and it is the poor people who try to get it to buy the water to drink and I think that was a mistake. I hope that it was not just because it came from this side, but I fear so.

Now, Mr. President, I feel that we should all try to work here in harmony. I am very prominent of the fact that I am the most hated woman in this Assembly. And I do not know if they are jealous of me - I figure my head is equal to theirs - or is it because they cannot dominate me? What is the reason but they just do not like me. But nevertheless I can go to my God and say, "Father forgive me as I forgive those that trespass against me", and my conscience is clear. I feel, Mr. President, that we should all work together here for the good of all and country. And if we do not agree with certain things that does not mean that we hate the people.

Now I was a minister here for a while past (no which says it is to deal with Cayman's financial matters, as ever where laws are made, laws and mistakes before the Legislative Assembly Members, and how attempts by a minority of persons are made for political and selfish reasons. Mr. President, I think that is so fraught. What kind of politicking

MISS LAMB: Indian Ocean (CONTINUING): Perhaps would I have to arrange my law. I have not got a wife to educate, I have not got a soul who, I want to get any benefits for. My remarks is for all and sundry and we should not make the public believe that there are us who sit on this corridor side we spring anybody. Mr. President, if I had wanted to put into Executive Council from the time Executive Council was Tuesday, everybody knew you have to go into it and I said, "Oh no, that is a job for the men". I am willing to be a humble backbencher and sit back here and contribute what I can in my humble way. I do not want any pre-eminence. I do not want to be stuck up in the Executive Council. I want to just simply follow those who are doing right. I feel, Mr. President, that we do not get due courtesy we deserve and whenever a subject is coming up we should be told well in and it is coming up and come in here and discuss and put in your views. Was that used to happen before because we want as a former Administrator and remember that we did not know what we were talking about when we come here. And he remarked he would have another session, which is old, but when this new ones got in they followed it up to a year or maybe two, maybe even three and finally I heard it was happening but not much now. Well, I know they avoided it to me, but Mr. President, I am one who is that can control my tongue.

I was in the Finance meeting two others day and I did not agree to the views for Carmen Limauge and I expressed it, but I went out and I did not want my line and a man came to my office and he said, "I hear you were the only objector". Now one of the most unpleasant things must have told it. I know it was not Annie British Honour, but you see that that gets out on the road and get back and say I am against it. I do not talk my business. I have nobody to talk it to and I know what to talk and what not to talk. I am going to Singapore and Bangkok these months, at least they will have three years to run, so let us try and work together in harmony, Sir. What is the use of me initiating I know everything, or the next one believing they know everything. We are all human, we are subject to errors. Our business is that since we have been put here by the people to accomplish the best way we can in all and sundry. And I am thinking these people - I know they do not want me here - but I was put here by God and I am going to stay here until God if I get a mission comes from that I am able to carry on, I am going to carry on. But I am not going to fight God because if he does not want me in this Assembly he will direct me in what to do. I was a lawyer today because God told me I must seek to put an organisation, which I did, and anything I do I take it to Mr. Lord in prayer and I always get the answer and the answer I get from him is what I am by.

Now I thank you again, Mr. President, and I know that whenever you go God's richest blessings will fall on you. I am sure, Sir, that you are a good man, very humble and as I understand from your good wife, she is a Tamil lady and I am very sure, Sir that she admits it might be like myself, I want to think that I am giving might but I am not, and I am very sure the way you have carried, the people you have met to these men here of your good behaviour, your treatment to Tamil Comrades and the way the Tamil Servants treasure you, that you are a good, good man and God bless you and pray for us that we succeed and do not go astray.

Thank you, Sir.

MR. PRESIDENT: I will suspend proceedings until 2:30 this afternoon.

AT 12:40 P.M. THE HOUSE SUSPENDED

*HOUSE RESUMED AT 2.30 P.M.*

*THE PRESIDENT:* Please be seated.
Proceedings are resumed.

*HON. D. F. FOSTER:* Mr. President, I would like to associate myself with those who made complimentary remarks to the Financial Secretary on his Budget Address and the way in which it was presented.

Mr. President, he is an old hand at this and I know long before that a good job would be done. I am not going to go any further so far as his speech ought to be concerned and your hearing, Sir, because I hope to say something about that at the end of this Session. However, when the Budget Address was delivered I was thinking about it and I said, will the debate should probably take just a couple of hours because I feel that all that was needed to be said by everybody was thank God for a beautiful position and pray for the future. And I am not going to go much more than that, Mr. President, however, a few things have arisen which I have to defend or explain without the opportunities.

First, Mr. President, Radio Cayman. Radio Cayman receives a total of over 20 hours a day of news wire service from United Press International, commonly known as U.P.I. and Caribbean News Agency Ltd called CANA, covering news and events in the Caribbean area, North America and the world in general.

Now, Mr. President, our news staff in the broadcasting Station pick out the most relevant to our area. I do not see, Sir, that it makes sense for us to kick and broadcast news. So that if you do not hear it on the radio you are going to see it in the newspaper or you are going to be told about it and if it is not on the air you get a complaint - well, you know we would it do the newspaper, but we do not hear it on the radio. In any event I think that it is of paramount importance that our people should be kept informed with what is happening in their own area so that we can take the necessary precautions or adapt what is available here. If Grenada is becoming communistic I do not see why we should hide it from our people, they must know.

Mr. President, Radio Cayman's job is to keep the public informed. It entails letting them know what is happening, not only in the Islands, but all around the world. In addition to these news wire services we get BBC programme, CBC programmes and Voice of America programmes. We try to select the best when we are working and we try to put them on the air.

It is my opinion, Mr. President, that Radio Cayman provides a fine community service to these Islands, a lot of which is free and a lot of it is of a very good variety of entertainment, cultural, educational and religious. It is impossible for us to be perfect, but we do our best even providing the business people with information on the radio.

What I would suggest, Mr. President - we can wide open to any of the Members who have a specific grievance - to all means give the Director a call or give me a call and let me know if there is something you do not like. Of course, I know we are not going to please everybody in what is your dislike might be my like. A lot of people do not like classical music - a lot of people enjoy it. Some workers do not enjoy the calypsoes, but the younger generation do. So the fact there is not many, Sir, and I think all in all they are doing a fairly good job.

The second thing that I would like to touch on a little bit, Sir, is the Government Information Service. There was criticism said an informed citizen is a free man. Mr. President, years ago the people of these Islands got little or no information about what was going on or what Government was doing. As time went on and

HON. D. E. FOSTER (CONTINUING): Government felt that it was the people's right to know what was going on and their safety to be better informed, Government employed an Information Officer. This officer, who is held in the highest esteem by me, did a very good job, but as the country developed more and more we needed an improved and better service not only for within. A Member thought that while the service was good enough for our people, little did the Member know most of these articles in the newspapers are coming from our Government Information Service. But, Mr. President, that is the least, Sir. It is our image abroad that is what we have to protect and especially when other Caribbean territories are marketing tourism in the same field as we are.

We not only try, on the inside, hard to keep the general public here informed of what Government is doing, our activities, how our money is being spent and so on and so forth, improvements in departments - but we have to tackle and have started to tackle the overseas field where we are heavily criticised every week nearly and after the House is adjourned this evening, Sir, I will have a stack of overseas clippings on the table here that Members can look at that we have to try and defend ourselves with. Because, Mr. President, I feel that we must present a true image of our country - we have nothing to hide and we must present it both ways.

Recently a President of one of the largest wholesale tour operators called Holiday Inn and was speaking to operators and I would like to quote just a few of his remarks, accidentally. He says, "If I were a new destination suffering from a lack of product recognition I would first appoint a public relations agency rather than conduct a massive advertising campaign". He says that public relations efforts are extremely valuable if they follow this format. He goes on, Sir, "I want you to know that the Cayman Islands News Bureau is recognized as a public relations one of the largest sales tools which provides an invaluable service to these Islands. It has intensity in presenting the interest given with fresh story ideas. The News Bureau has provided us all with an opportunity to view their clippings, files for 1981 to date. I think those of you here should do that. It will give you an idea of how much work and how much exposure can be achieved by a professional public relations firm backing up the Department of Tourism and Hotel Association". He goes on and he says, "If other destinations could learn by Cayman's example it would make our job of selling much easier". He later says, "In conclusion it is an observation by all professionals people involved in the Caribbean tourism industry to see how you people in Cayman work together".

Now, Mr. President, look at 1979 I think the News Bureau was formed and according certainly figures then with 1981 they have gone up about 85%. So that speaks for itself, Mr. President, so much attention a month are being devoted to the Bureau. The cost of all these things in other territories is much, much greater and we should not attempt to do it any other way than the way we are doing it. And our cost, although it seems high, is small compared with other places who are just beginning to find out the value of public relations.

In last month's Jamaica Gleaner there was an article headed P.R. in Jamaica. It said Government is recognizing a viable-sound information bureau to clear more emphasis on promoting programmes and projects and generally tell Jamaicans more about Government's work. Prime Minister Edward Seaga said.

HON. D. V. FOSTER (CONTINUED): Mr. President, that organization down, like many other departments, has large numbers of staff. We do not have a great staff here and that is probably why it is not costing us as much as it would cost anywhere else. But what we have got is of real quality. In Sweden, for instance, Sir, staff of over 700 people run the information service and a budget of more than $5.0M is devoted to overseas publicity. Alright, you might say well as one small to Sweden, but we are in the running. Now, we are in the same battle, we are in the same battle to keep markets and to let the world know about Guyana.

Mr. President, in many other countries where they have portfolios, each portfolio has its own information service. We have only just the nucleus of an information service for the whole country. To show the benefits of the New Guyana and Information Service, Sir, research that has been undertaken by them has shown that certain governmental areas of the United States have the potential to generate more business for us than others and so they concentrate their efforts in those areas. In this way, Sir, the Russians have developed a highly sophisticated operation and it is keyed with the use of Government machinery to sell Russia and keep the people informed on a regular basis.

Between the 1st of September and the 31st of November, the Government Information side of it, Sir, put out a total of 120 stories to the local media and I can put these at the disposal of Members of this House of necessary later to Finance Committee if they would like to see them because there is a proper record and filing system on the whole information service.

Meanwhile, Mr. President, when necessary, for example it is good to know the story from somewhere else and in the Caribbean issue of Los Angeles magazine, it carried a story analysing why tourism to the Cayman Islands was up while for other Caribbean countries it was down. Mr. President, that one not able to do all of this without the information fed to them and they evaluated that some of the most sophisticated promotion is obviously to be encountered anywhere now was to our people.

Mr. President, Members might believe that I am trying to sell it to them, Sir. I could not care less if they vote the money or they do not vote it. It do not going to make one bit of difference, but I am trying to show you the need for it. I could go a little further and say perhaps at first I was not as fully convinced as I am now for the need of it, but I am fully convinced now that we need it and we must move for survival. After all, Mr. President, our Government is a good Government and it has a good story to tell both home and overseas, but it needs constant telling - it cannot just be a one shot thing and in particular the vigorous efforts by other Caribbean territories that are getting in our same field. We might say well they cannot hurt us, but we see for example Turks and Caicos are in the tour business - they have gained word for word our features too; they are now doing our skin-in-skin out brochures and I was shocked when the Minister from the Bank told me that one of banks biggest customers went over there. So we have to compete and we have to let them know and keep them informed at all times of what is happening.

Mr. President, over the years, Sir, I've been in the business of things like this some in that room more problems than this and later the good residual from them was determined and the people who were opposed them have come back and said well it is a good thing we did do it. And I can only ask Members to think carefully in Finance Committee. I know if you meet me you will call me and you will give me an opportunity with the head of the Government Information Centre here to do a proper presentation to you to help you see the depth that we are going through with this thing, all to the benefit of our country and our people.

Thank you Sir.

HON. G. ELLIS DOUGH: Mr. President, I believe that the American poet, Robert Frost, had our budget session in mind when he wrote that poem on money -

"Never ask of money spent
Where the spender thinks it went:
Nobody was ever meant
To remember or invent
What he did with every cent."

No minister did not know of the ability of the Government to show to exact detail what will happen in 1962 to the $26M budget. No one certainly been given, in the Budget Address, a true outline of the 1961 performance and so be customary a projection of what will happen in 1962. There has been no real evaluation of the 1960 budget with the possible exception of the matter of the Rum Runner which has been dealt with by the First Official Member, and there could be no evaluation, no adverse criticism, no matter how Members had exercised their hearts. Because we are considering the largest budget in the history of Bermuda - a budget that is so from the normal increase 1961 budget by 15%. The budget has been put forward with a surplus balance, but what is even more significant is that the budget has been balanced within the year 1962 - something that has not happened in the years. In other years we have brought forward a huge surplus from the previous year or from previous years to help balance next year's budget. This has not been done this year. As a departure from customary balancing, we have taken all the surplus and put it into reserve rather than carrying it forward to help balance 1962.

During the year 1961 we put $4M in reserve from surplus and it is looking like the 31st of December will find us with roughly another $4M surplus revenue. So we could have easily taken $8M of surplus revenue to help balance next year's budget, but it has not been necessary to do this. One Member I believe commented on the small surplus which is shown. The surplus balance at December 1962 looks like it will be $1½M. But, the true picture is that that surplus could easily have been $9,217,000 had we followed the normal procedure of past years. So it is a fantastic fact that this Government is moving forward the largest budget in the history and being able to balance it within the year without the need for bringing forward, in the accounts, surplus revenues. And what is encouraging about this year is that every sector of the economy has performed well. There is no need for alarm in any of the significant areas of our economy.

I heard some mumblings about a slowdown in the construction business. But this appears to be only in the minds of a few people. It is not borne out by the fact which we have at hand. It was highlighted in the Budget Address that planning permission is up, not only in number of applications, but also in total volume of new construction. If one looks at the performance of the port which handles the importation, one will see that we are still in good shape. If we exclude the coal and sand that was imported during 1959 for the construction trade, we will see that importations are up by 3% over the same period ending in October of 1960 and 1961. And, also another indication is that at the end of September this year the Power Authority had collected, in fact, $117,000 more than they had done for the same period of 1960. Customs revenue is up over last year - as shown in the calculation in the importation of goods as the build up of all importation from which Government derives revenue in these from the construction trade.

So while it is true that some developers may have difficulty in marketing some of the condominiums, I do not believe there is any cause for alarm. There are other areas of construction with the recent establishment of the Housing Authority. Then, to cause to believe that we will see, in 1962, a new boom in housing for individuals. Other areas of the economy that have performed

MR. C. RAIG BROWN (CONTINUING): will include tourism which, for 1981, shows receipts by mid-year of $.7M. It does not seem like a large number, but for us it is a large number of people anytime when all other Territories in the Caribbean have shown a decline. Cruise ship passengers are up this year by 3.4%. With the addition of a new ship in 1982 we should see further increases. Another big event - offshore banking. We see company registration up by 10%. Between January and September of this year 2,466 new companies were registered. We see banks up by 20% this year and we see dividends not to the detriment, not only revenue, but quality, we now have a high percentage of the largest banks in the world. Since the inception of the Insurance Law, 891 new entitlements have been realized by the department of insurance. So where do the people - where are the facts to back up this picture of gloom that a small minority would like to see outside there in Cayman Islands. I believe that at the close of this year we have greater reason to be optimistic than we have ever been in the past.

Why are we experiencing recession - why are we practically a slow-down in the growth of Government's revenue when all the financial indicators point towards ever-growing success? Our expected revenue for 1981 was $37.2M. This figure has been revised upwards to $40.55M. Expected expenditure which was $40.67M for 1981 has been revised downwards to $38.4M giving an current revenue, which I mentioned earlier, of $4.6M at the end of this year leaving almost one million $'s to receive. Our public debt, as pointed out by one Member, has been kept in line despite the fact that we have embarked on many large programmes and have completed numerous small capital work. Our public debt today is less than it was in 1970 although our ability to service the public debt is far better than it was then. The Honourable Member is still with us, in 1982, less than 4% of our recurrent revenue to service the public debt. The reason is that recurrent revenue has been so good that it has not been necessary to borrow except for a very few small emphasis.

If one examines the estimates, which have been circulated for 1982, one will see that this year, 1982, we will spend in excess of $10M from the recurrent revenue on capital projects. That is the largest figure that has ever been spent by this Government in any one year out of recurrent revenue. So we are able to build, or to substitute, $10M worth of new projects, new capital expenditure out of our recurrent revenue.

To have in Cayman area, 1981, being the best year for capital projects and the final indicator that I would like to mention about our economy is that we have full employment. I guess there will always be members of gloom. There will be people who, despite all the indicators being for increased prosperity, will suggest that we will soon be on bad times. I remember in 1967 writing a letter that the Government, the Treasury, would cease to get fat and wrote; it would have been as fruitful as throwing a pea but it happened as it was when the Syndicate were flooded with blood. But, this has not happened. Deficits have been turned into surpluses and surpluses into figures and we have been massive built up. Until today our total reserve of $12M, with the large surplus revenue and other liquid assets, give the Government a combined liquid position of close to $20M.

The current reserve, alone, now stands at $12M an amount considered satisfactory for any Government as it is four months equal to about four months' revenue or 32% of the 1981 recurrent expenditure.

There are one valid criticism - I would say one true criticism, that recurrent expenditure has increased steeply, but it must increase because every capital project brings with it hidden recurrent expenditure. We may require a certain service which we did not have before. This year it will cost $621,000 to operate the prison. There is a yearly increase in Civil Servants. The most recent

1971 (1 Jan. ROUND (CONTINUED): Increase in the Police Force. The improvement to the fire service. The Member who originally pointed out that our recurrent expenditure around us was more than the recurrent revenue also in the same breath suggested that we build a park in Little Digger or at least improve what is there that we build a road on the Bluff. Well, if we are going to do these things, certainly recurrent expenditure will continue to rise. I am not saying that the things must not be done, I am saying that there is a price tag on whatever we do. If we put up a new building, if we build a new road - even if we put in one additional street light, we are going to recurrent expenditure for the next year and sometimes even for the current year.

One Member from West Bay mentioned the road programme for West Bay and I can assure him that the programme will be continued as started in 1967. The new road, or rock a new road, but the Yankers Road will be improved at a cost of about $300,000. Hot mix asphalt will be put on the River Course Road - one mile at a cost of $70,000. The Hut Land Road in North Side will receive hot mix and there will be a continuation at the hot mix on the Boddon Town, Bodden Road. West Bay will also come in for some improvements - a spray seal chip surface of 1.6 miles including the Rugby Field Road, the cemetery road at Seven Bay and for a lack of better name the Hurley Smith and Franklin Powell Road. These names are just an indication of where the roads are as they are not properly named. George Town will have 2 miles of spray seal chip including the West End Road, the Maple Road, Fieldstone/ Hirlanda Road, East Boulevard, Solo Road, Sand Road, Crewton Primary Road, Shedden Roundabout, Lacker Watler Road. Bodden Town will have some spray seal chip including North and South Church Drive, Woodland Drive, Seven Bay subdivision, Old Prospect road. Frank End will have the Bluff road. West Bay will have 7 miles of sand-mixed paving; the old Colonial roads and George Town will have 7 miles of sand-sealed including the roads around these known people like - Roy Bodden, Captain Pearson, Uree McPark, James McDonald, Johnny Arnold, Orvin Myles, Ken Bowen, Jerry A Bodden, George Hawkins, Bill Montgomery, Edward Kirk, Edward Solomon, Lennie Foster, excuse my nicknames, East Columbus Bay. The Gordon's subdivision off West End subdivision and Dayton Kirk at North Side will also have another mile of sand-mixed road. Bodden Town will have the South Hampshire, Newport Dixon, North Side Heights and 1 mile of North Sound Estates. So there is an extensive programme for road improvement next year.

A Member mentioned the traffic study that has been done and sought more information on it. The Deputy Minister set out the main areas and I will elaborate a little on it. The traffic study was done and came up with some alarming statistics. The West Bay Road from Dilbeach's Station to the hotel area is handling a tremendous amount of traffic - some 12,000 vehicles in a day when this census was done. The study was completed in the month of June which is probably the busiest month for traffic on that road. Had it been done in December or January the figure might have been one and a half times as much.

Shedden Road from Owen Road to George Town is almost up to capacity with about 10,000 vehicles a day. The most alarming road intersection is the North Sound one on which 6,000 vehicles pass each day. Now it is hard to believe this, but when you consider that it is not just the mere act of a person going to work, but most of the vehicles on the North Sound Road are making many trips per day. The trucks from the various warehouses from the Eastern Terminus hardware store, Public Works, Caribbean Utilities, the Ferry Pier Concrete - the road is congested, it is impossible in the evenings to get out of the intersection at Shedden Road. One Member mentioned that it would be good to straighten the North Sound Road. This will not help very much. The biggest single problem is because the North Sound Road intersects Shedden Road in very close proximity to the intersection with Eastern Avenue and Shedden Road. From the north, North Sound Road and Eastern Avenue are having traffic on Shedden Road and the two roads are just about a car length apart in terms of the perimeter of the corner of North Sound Road and Shedden

Mr. G. Hill-Norton (CONTINUING): Road, it is almost impossible for a large truck to turn right. In order to go east coming out from the North Mound, the truck has to take us the entire road. In other words it has to wait until all the traffic is clear on Markham Road before it can negotiate the corner.

The traffic study indicates that the only solution to North Sound Road is to close it and this is the intention of Government to close it where it intersects with Shanklin Road. But, to keep it open from North Sound almost up to the intersection as a legal-cul de sac and the people living there will still have access. And then this will leave only one major road leading traffic on Shanklin Road and in order to facilitate the users of North Sound Road and to provide convenience, a road will be built which will connect North Sound Road to Eastern Avenue. This road will come out somewhere in the vicinity of the Blue Heron Restaurant.

There is also a recommendation that a road be built connecting North Sound Road with Shanklin Road somewhere east of Kinsale's Block Factory. This road can be anywhere between Mr. Kinsale's plant and the airport and it is believed that those two pieces could then ease the congestion at North Sound.

Another road that is expected to have alternate traffic problems is the intersection at Belmont's Corner where Western Avenue meets the Kirk Bay Road. Improvements are recommended for this including traffic signalization. The traffic signals will not increase the flow of traffic, it will actually slow it down, but it will supposedly be give everybody a break - not only those who are on the main thoroughfare.

It is the intention to improve the down-town circulation. We need more parking places so that we can take some of the on-street parking away and improve the circulation. And it is intended to use the parcel of land, which is now owned by Government, on Elgin Avenue just before you reach the police station. That area is to be fixed up a temporary parking area. We also expect to lay out the old Public Works compound and use it as temporary parking. I do not know if any improvements can be made by the parking lot by the market. And there are one or two other areas that can easily provide. When these places are properly marked, parking will be taken from Shanklin Road and Cardinal Avenue. Cardinal Avenue will become a two-lane road. Harbour Drive will be made two-way where it is now one-way. This will mean that the parking will have to be taken away from Harbour Drive or some of the parking will have to be taken away.

It is also expected to turn around the one-way streets; on top of that, to give better circulation. Shanklin Road will be made one-way going towards Lobster Bank and Cardinal Avenue will be made one-way coming west towards Pound Street. These improvements are about 1cm and will also include an improvement of the intersection - Elgin Avenue and Shanklin Road. Those of you who drive on Shanklin Road will notice the peculiar cross-crossing of cars coming from all directions and it is expected that the properties of this intersection can be improved so that there will be smoother and better circulation.

The vote in the Estimates will not do what we have just mentioned. It is just a token figure that has been put in and it is expected, as some of these improvements are urgent and will be attended to very early, in the year because even before the end of this year, work will get under way. It is expected that we will have to come back for additional funds. But the programme has been accepted by Government and will be implemented.

HON. C. VALD DODSON (CONTINUING): A few Members mentioned the communication problems which exist between Members of Executive Council and other Members. The communication is a two way street. I personally have never refused to give any Member any information that he has come to me for. And I do not feel that if a person encourages himself from me that I should shun that person and give information. Furthermore, there have been complaints with information given out and many times the information comes back to also the Member in the form. We had an example in this Chamber a few days' ago where a question was asked on a memorandum which had been copied by the Member for Tourism to Members of the Legislative Assembly and a letter which had been circulated for information of Members was more a subject of a complimentary question in an attempt to embarrass the Member and when we are dealing with this harmony we have to be careful with giving out information.

The News Bureau was established initially to issue information as to the public. Yet, there is always criticism of the money to be spent on the News Bureau. There has been strong criticism of the function of the News Bureau - Members wondering about the confidentiality of Government's business and there is no fear for concern because the matters given to the News Bureau are intended to be disseminated to the public so how can there be any concern over a matter that should be kept in confidence. A matter to be kept in confidence would not be handed over to the News Bureau. And so while Government endeavours to improve the communication, not only to members, but to the outside world, Government at the same time is being criticised for its efforts to do exactly what we are asked to do.

I digressed at great length the introduction of school fees and do not want to go into as much detail as I did in that debate. But I must challenge a statement which said that they have fear this side would be a divisive factor. My opinion to that is cannot be a division factor unless people on this outside look on it in the same manner as the person who wrote the editorial in the newspaper. Persons have spoke and being given a service - they are being asked to pay for it in a reasonable manner, they are not being discriminated against. I feel that a person who comes here for a few years has not contributed to the Island's well being and is not in a position to contribute as much as a person who has lived here all his life. So that while a person may not feel on which he pays income tax during the couple years of his sojourn here, that person in reality has not contributed as much as the person whose ancestors have lived here.

The introduction of the school fees were not intended to discriminate against any particular group of people. The introduction of the school fees was to provide some revenue and to tackle a problem which has been escalating. I mentioned the fact that we are faced with, not that we intend spending the money, but because the cost is now using at a problem. The Budget Address mentioned that education this year would take 15.2% of recurrent expenditure. If this were applied to other departments we would only be able to run six Government departments.

Education takes this more than health. As I pointed out it takes more than to run any other Government. School enrolment is up from 7,400 a few years ago to 8,800. The Minister mentioned the new areas where people who have moved out now sending their children to receive free schooling. So the introduction of these fees should not be treated as something unilateral where we are discriminating against a particular group, but as a contribution towards the cost of providing an essential service.

If you look at the estimates for 1982 you will see that on the recurrent side alone it will take $2,317,000 to pay for education. The actual expenditure in 1980 was $1,851,700. So what in the last two years we have had a 34.5% increase in the cost of education and this is not the only cost that has increased. The capital cost has increased as well because if we are having more children we have to continually build more classrooms, we have to buy more equipment. The annual rental of these costs, including equipment and so on, has

HON. G. HAIG BODDEN (CONTINUED): ...vision by MLA to ask and the introduction of the school fees is not an attempt to create two types of people or two types of citizens, but merely to recover a small part of the cost and to put a deterrent on the super enrichment on the free school system.

One Member said that the imposition of duty on certain duty free items was the thin edge of the wedge, which I take it to mean that we would eventually impose duty on all luxury items and perhaps kill one of the burgeoning areas of tourism. However, these items have never been duty free in the sense that we have certain items where every item is duty free. There we have a situation where some items are taxable, some items are not and Government, over the years, has constantly changed those items, that have constantly changed the amount of duty and on one hand we are imposing duty on four percentage of goods and taking it off four others. So that all the persons [illegible] sitting will have noted, we will have no more taxable items added to the list than we have had taken from it. In our circumstances as a country where you pay duty on some items, you do not pay on others, that status is maintained.

The lady Member mentioned that she would like to see a Trade School and so do we at the moment. I really do not know what to bring them in, but it is a good idea and the efforts today are towards rehabilitation which includes something to work. I visited the prisons a couple of weeks ago and in talking to the Director, he mentioned that the Chief Education Officer had visited and he had pointed out to him that he had some adult prisoners who were unable to read and write and the Government will be looking into running some classes so that these inmates may learn to read and write. And I believe that if you have a person going into the institution unable to read and write and coming out able to read and write, it would be to the Government and would have a psychological effect into the reforming of that person.

The Member correctly pointed out that the loan to Cayman Airways is not shown as a public debt. That is true and that is the way it should be because it is not a public debt. In fact the Government has a contingent liability to meet the loan if the airline is unable to do so. The most optimistic indicates that Government may have to assume some of that debt, in fact, has already paid some of it. But there have been contributions from the airline towards that repayment. But the point I would like to make is that it has always been my contention that Cayman Airways is the most important link in our entire communications system. We would not have business people coming here to set up banks or to maintain enterprise if we did not have adequate and reliable transportation to move them back and forth at any hour of the day and every day of the week. So Cayman Airways is like Mosquito Research and cannot be measured by the income it produces. It provides a service which no Island can afford to be without.

Sometime ago I was speaking to some of the entertainers that live in the Islands of the Caribbean produced by BWIA and they say they have no service at all because when they wanted the plane to make a stop it flies over with a full load. And we cannot be dependent upon outside people to control the essential ingredients of our economy. Government got into the airline business in the first place, not because it wanted to, not because it was able to afford it, but because the legislators in their wisdom saw that if Cayman was to succeed it would have to have the service which it now enjoys, and that situation is more real and more true today than it has ever been because we have become more dependent upon overseas businesses for our income.

When I spoke about roads I should have mentioned the Bluff road on the loan. That road is included in the estimates. There is a vote of just under $1M - funds that will be borrowed from Caribbean Development Bank to do three roads. One of them is the Northern Link, North Side Road, the Link Road to North Side and the Bluff Road. However, the Bluff Road may not receive early priority in 1982. It would be a good idea if ordinary Caymanians could do the

HON. C. HALE BOOKER (CONTINUING): road going east and that Government would use the money to do the road going west from the cross-over road on the Bluff and then we would have a road running the full length of the Bluff. The reason why I am saying this is shortly after Government began its negotiations with Caribbean Development Bank certain American Businessmen came to Government and said that they would put in the road on the Bluff in Cayman Brac from the cross-road going east. Government went ahead and granted the road, but no action has yet been taken.

One Member from George Town mentioned the fact that he would like to see a sidewalk on Walkers Road. If he can get the land from the owners I will guarantee Public Works will build a sidewalk. But that road is narrow and people have built very close to it. We have examined it and if you are going to take six feet from the road for sidewalks, or even twelve feet if you want them on both sides, there will not be much road left. If you are going to take it from the land owners you will have to white stone buildings, I would not say every building but nine out of ten of the buildings on that road. So as much as I would like to see a sidewalk there put out in Frankone as well, it does not seem practical at this stage and I can only say we hope that a sidewalk will even be built there.

One Member mentioned that bills had been sent out by Treasury for garbage fees. Well Treasury do always advise by cabinet members if is their business. However, I do not believe that Treasury is getting much assistance from the department of Public Health because Public Health does not know the women of the people that their trucks pick up garbage from - they do not know. They do not know who some garbage from and I have said that I would like to see a responsible person from Public Health ride that route. If he does not come to go on the garbage truck he could follow in a car and check, hopefully check down, the names of the households from which the trucks pick up garbage and then submit that updated list to Treasury and I am sure Treasury will do the rest. But this is something that you cannot sit behind a desk and do. You have to go out and have a physical count - just the name on the man will not know how many guys are in his customs if he does not go to look for them. And I believe if this were done, and it is an exercise that could be correlated in one week or less, we should then know how many we are missing and how many people that we are sending bills to who are in the plans where they pay no garbage fees.

Mr. President, I come to the stage where I too will say that I regret to see you go. I heard that sentiment from every Member who has spoken so far. However, earlier this year some of us got together a petition or a letter to go to the Commonwealth Office asking that your term be extended because we really regret to see you go. And five Members of this good House did not see fit to sign that letter. It is my firm belief that had that letter been signed by every Elected Member, as it had been done on previous occasions, you would not be leaving us on the 1st of January. And this is what I mean sincerely from the heart because I really believe this. We now that we regret to see you go when we look no where to prevent your going is a note: the calendar when your successor has already been proclaimed.

Few sentiments have had such a keen as we will have in that the Honourable Secretary will be leaving before they do not. I trust he will be here for the Throne Speech and we may get another opportunity to thank a few bouquets at him.

The Chief Secretary or the First Official Member has indicated that he will use the adjournment motion at the close of this sitting to pay his tribute and perhaps I too will do the same.

MR. PRESIDENT: I must suspend proceedings for fifteen minutes.

AT 4:00 P.M. THE HOUSE SUSPENDED

*HOUSE RESUMED AT 8:20 P.M.*

*MR. SPEAKER:* Please be seated.
Prayers have been read.

*HON. TRUMAN M. SINGER:* Mr. Speaker, I firstly would like to express my appreciation for the able way that the Financial Secretary has presented the Budget to this session. He has done this many times in the past. It has been said earlier he undoubtedly has been a soldier within the Civil Service and within the Government throughout the years. It is always good to see a person like him who has served to through the ranks and has actually reached the top. It is even better to know that he is retiring when he is on the crest of the wave and not waiting on a time when the country may not be left in as good a position as it is in.

It is always difficult to evaluate a person in a key position and especially in this instance I am sure it will be difficult. There is an old Chinese proverb which says that never judge a person until you have walked twenty paces in his shoes and I am sure that his successor will find that he has his hands full. Knowing somewhat more openly he has held very tightly to the purse strings. Whether one agrees when I believe that if Mr. Johnson had previous been a politician he may have stagnated the country a bit - how tightly he held on to the purse strings. However, all in fairness that is the position is he is done so because there is always a tendency among politicians, from time to time, perhaps to spend when they should not spend. I wish for him and his wife and family all the best in his retirement and in the future.

The Prospect Youth Centre and the rehabilitation to be given by Government and the Question did touch to it is very important. This Chamber and rightly within the Islands as a whole have constantly pushed the idea of some type of preventation, some kind of education for children and now this is an opportunity for this Legislature to put their money where their mouth has been in the past few years. I think that it is unfortunately unusual in this country that this, and as other Members have mentioned matters such as the Sports Centre, be dealt with and dealt with early. We know that youth by nature are not to much concern whether they provide others than them. They are irresponsible; they basically want things done now and responsibly in this generation and I would hope that the Legislature will support this as well as any other facilities that may be brought from time to time for helping the youth. Whether we like it or not the youth of this country will be the persons in this Chamber in future years and how we deal with them. The opportunity has now given them, it will be necessary for molding them for the burden that they will have to carry in the future.

Like the Hospital here and the classrooms in the Secondary Modern School, the playfield that is in the Estimates, I would ask the Members support this and whatever necessary hence the Government with sufficient flexibility to support projects such as the Girls' Home and the Old Peoples' Home. The difficulties with youth, the generation gap or I perhaps of them happy can refer to, in many countries and it is through facilities like this that we can begin to understand the youth and provide what is necessary for their future.

We have seen that with the introduction and passing of the Law relating to the currency that now the Currency Board has put on a firm footing through the right to take out a reserve to back the numismatic coins. What has been somewhat of an embarrassment in the past, the large sum of those coins were issued prior to 1977. However, I think that it is fit and proper that this Government does consider the reserve to back those coins and it is very much in order with a country that has a surplus and a general increase the size that we have.

HON. MONROE M. REDDEN (CONTINUED): The question of education has taken somewhat less of criticism in this meeting and in the last few years than it has done in the past. This is a very clear indication that the results in the High School and in the Middle School and the Primary Schools have improved considerably and that the Island as a whole is substantially happy with these results. The best way to test anything is to look at the results. We can stay here and talk for hours and hours, but really the proof of the pudding in testing is out satisfactorily the High School and the other schools have very considerable studies.

It is never possible to please here good always and we must expect that results will fluctuate from time to time. But at least in the last few years the results have reached a stage where, internationally, they are results that we can be proud of.

I was just wondering, Sir, about the interruption. I would like all here.

MR. PRESIDENT: It is 4:20 and I think I must interrupt proceedings. The Honourable Minister can complete his address tomorrow.

## ADJOURNMENT

HON. E. H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House be now adjourned. Would those in favour please say "aye". Those against "no". The "ayes" have it. The House stands adjourned until 10:00 o'clock tomorrow morning.

AT 4:20 P.M. THE HOUSE ADJOURNED UNTIL
10:00 A.M., WEDNESDAY, 28TH NOVEMBER 1984

HUNGET SESSION AND
FIFTH MEETING OF THE (1961) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON WEDNESDAY, 15TH NOVEMBER
1961

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CMG, CBE - PRESIDENT

GOVERNMENT MEMBERS

| | |
|---|---|
| HON D H FOSTER, CBE, JP | FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS |
| *HON D P BARWICK, CBE, QC | SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON V C JOHNSON, CBE, JP | THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON JOHN H KELPAI | MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES |
| HON TRUMAN M BODDEN | MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES |
| HON JAMES M BODDEN | MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON C CRAIG BODDEN | MEMBER FOR COMMUNICATIONS & WORKS |

ELECTED MEMBERS

| | |
|---|---|
| **MR J CHARLTON SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR D OLIVER EBANKS | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR BENSON O EBANKS | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR R NORMAN BODDEN, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE EULEAN BODDEN, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT CHARLES L KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| CAPT MARK S KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS |
| MR CROMWELL EBANKS, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

* Resuming at 3:30 in the p.m. session
** Arriving at 3:30 for the p.m. session

ORDERS OF THE DAY
FIFTH DAY
WEDNESDAY, 30TH NOVEMBER, 1921

1. QUESTIONS:-

MISS ANNIE HILDAH HODDER OF GEORGE TOWN TO ASK THE HONOURABLE NOMINATED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 87: Will Government consider additional street lighting to the back roads in northern George Town, and if so, when will the lights be installed?

2. GOVERNMENT BUSINESS:-

THE APPROPRIATION (1922) BILL, 1921 (SECOND READING)

CONTINUATION OF THE DEBATE ON THE SPEECH ADDRESS

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WEDNESDAY, 25TH NOVEMBER, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MISS ANNIE HUDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER QUESTIONS FOR COMMUNICATIONS AND WORKS

NO. 67: Will Government consider additional street lighting to the back roads in northern George Town, and if so, when will the lights be installed?

ANSWER: Presently some of the major roads are still without proper lighting and these will have to be given priority over secondary roads. However, efforts will be made to have lights installed at dangerous spots on secondary roads.

Efforts have always been made to accommodate specific requests made by individual Members of the Legislative Assembly on behalf of their constituents for the installation of street lights in places where it was considered that these were necessary.

SUPPLEMENTARIES:

MISS ANNIE HUDAH BODDEN: Mr. President, with your permission, Sir, I should like to ask if Eastern Avenue, on which there are a lot of business places, is considered a secondary road or not?

HON. G. HAIG BODDEN: Mr. President, sometime ago we received a request to light Eastern Avenue and as far as I know all of Eastern Avenue has been lit since that time. It is, I would say, one of our major roads now, but Eastern Avenue is properly lit.

MISS ANNIE HUDAH BODDEN: Mr. President, with your permission I should like to ask if the side beyond the Arch's business, going I would say northwest, has been properly lit?

HON. G. HAIG BODDEN: I discussed this with the Director of Public Works in answering this question and he assured me that all of Eastern Avenue has been lit. Of course, I might add, Mr. President, there may be the odd dark spot that cannot be lit because there is not a light pole near enough to the road to put the light on. This happens sometimes, but wherever there is a light pole close enough so that the light would be shed on the road a light is put on the pole.

MR. CHARLTON EBANKS: Mr. President, one supplementary. Could the Member say if so far as I know the street lights are a flat rate, but with the increase in installing lights do they still stick to the one flat rate or do they increase the rates on these street lights like they increase to customers?

HON. G. HAIG BODDEN: There is no charge for the actual installation of a light unless it is necessary to put in a pole. The monthly rental on the lights is charged at a flat rate and from time to time that flat rate is increased. Members will recall that sometime ago, I believe it was when we were dealing with the Lighting on Foot Bay - the cost per month for the bright lights on the West Bay Road was $10. That cost has now gone up to $19.08 per light per month - these are the 400 watt lights. The other street lights which are 175 watts cost $8.86 each per month. So that it is a flat rate per month, but from time to time that flat rate has been increased.

MR. SPEAKER: If there are no further supplementaries we can take question time to be closed.

## THE APPROPRIATION (1982) BILL, 1981

## CONTINUATION OF THE DEBATE ON THE BUDGET ADDRESS

SPEAKER: The Appropriation (1982) Bill, 1981 - Continuation of the debate on the Budget Address.

HON. THOMAS M. BODDEN (CONTINUING): I apologise to the House for that delay, Sir. I was endeavouring to put some notes that I forgot at my office.

Yesterday when I finished I was dealing with education. The decision to bring in the Middle School some years ago was one that was opposed mainly on the basis that it was felt that the number of children would not exceed 1,044 that were in there at that time. Very interesting for me from the Budget that the total amount at the Middle School and the High School is now close to 2,000 children and I am happy to say that everyone seems to have accepted the concept and undoubtedly with some 900 children in it would have been impossible to take these into the Cayman Islands High School. The nature of the size of that would really have been a population in excess of the Lesser Islands on a permanent of approximately three tons and that is undoubtedly very frightening.

The Third Elected Member from West Bay mentioned about cyclin. Well if he visits the school now he will see that we do have a considerable amount, both in the main and on the technical side, something that was merely non-existent prior to 1977. I share his plea that it must be increased and I have done everything possible to do so and also as he knows we brought in the Building School which has worked quite well.

Some controversy has been uttered now in relation to the bill relating to school fees on persons who are not of Caymanian status. And I was quite surprised, not surprised I would say because I guess nothing much surprises me at my age now, but to see the continued trend of confusion by whoever writes the Editorials in the Caymanian. This measure was passed by the full House with the exception of one Member who opposed and another Member who would have liked to have varied the basis to that of ordinary residence. The confusion seems to have arisen from the fact that they believe that Mr. Johnson said that the $200,000 is being used for the Hotel Training School. Well this is not correct. The money that comes from the school fees will go into the general revenue and it will be used for whatever this Honourable House decides to best to spend it on.

As I mentioned on that bill, in the United Kingdom for instance, you cannot be admitted to a school, a primary school, unless the child and the parents are ordinarily resident. So if you go there as a foreigner and you are not ordinarily resident you are not admitted....But like every other commodity in a community one has to pay some price. The price that we have paid is having these people here and contributed to society and when I went to England and I did spend nearly four years there, three and a half years I think, there was quite a distinction between persons who were from abroad, even if they were from U.K. colonies and those who were local. I went every year down to Immigration and Naturalization office, I think it used to be called, on High Holborn and I sat on benches in a room about this size - the benches stretched straight across it; and after probably a few I would get through to have my passport stamped for a further year without the right to work. So it is nothing unusual and on top of this we paid fees and we now pay fees there, if you are from abroad, have been increased substantially in the last few years for college or university there and this whole myth, except persons I know in Jamaica now everything is free, but that was done under

HON. THOMAS M. KOZIAK (CONTINUED): the democratic socialist government that recently went out of power and obviously for a reason. Then in most of these countries there is a distinction in whether one can work, whether one can go to school, how much one pays for what one gets. And the principle is a very well manufactured one.

Furthermore you made to question the distinction and imputation of invidious the non-Caymanians and insulting non-Caymanians; that has all taken in the minds of whatever minds the rhetorical and quite frankly with that amount of confusion, then I can only say how he could mix up his views in that manner. Most non-Caymanians that I have spoken to have in turn told me that if they sent their children abroad they would print for their schooling. If they are here for two years, four years whatever, they expect to contribute during their short period to society and they realize that many of the privileges that one gets from being a national of a country, and accessible now with the present Honourable Prime Minister's written and National Unity and I think that the distinction is very much one that is accepted internationally. To this confused nonsense that has been put out recently which is a very minority view and obviously was written by someone who is in a minority position because this Honourable House represents the wishes of a majority and a very large majority did vote this measure and I am happy to say it is one of the few measures - I have actually had more than five people ring me up and say they were very happy to see that go went through. So any inciting or any attempts to divide has not come from this Law or from this House and it has really come from a non-Caymanian, substantially at least, owned news media.

Moving on to the question of the position at the Hospital, it is good, Sir, to know that what relatively I am getting has, in the past year or so, moved away from education and it is now focused really mainly around the Hospital. There have been problems as there and I believe that we are in a stage of solving them. One that was raised in a question and referred to have subsequently arose out of the fact that there was inflations in relation to surgery or pharmacy, but this, Mr. President, was not an alarming percentage. It was 11.4% and the accepted U.K. rate is 10%. However, we recognized it as something that should be corrected immediately and we brought in persons from abroad to look at the air-conditioning system. That report did find that there was bacteria in the ducts and Public Works Installed those ducts in the new operating theatre following the advice of the Health Division Partnership of Jackson, Mississippi in early 1978.

They had set out the standards and then. Ducts were all, or are still, existing from their time in the maternity, the minor operations, theatre. So I do not think that one could really lay the ills of the quality of ducting out in on Public Works because they did not in accordance with what were the Hospital architect advisors prior to 1978. And what the U.S. Department of Health, Education and Welfare require is a supply duct with 90% purity and a return duct of 85% using certain series of filters. However, despite whatever advice was received back in 1978, we are going to take out the ducting into these other places at the same time and put in metal ducting which should be less prone to this type of contamination.

Mr. President, in relation to Cayman Airways, it, as the Member has mentioned, has shown substantial losses as at the 30th of June 1980. In fact that balance sheet, I think, shows a loss for that year ending on the 30th of June of $1.2m. Those are worrying figures, Mr. President, and even more worrying perhaps is the fact that in the report attached to it, it shows where very substantial amounts of this money may have gone. Some has been recovered, but, for instance in the paragraph numbered 6 in the report to which he refers to - I will just read this - "As a result of our report the company took corrective action during the period from October 1980 to January 1981 and re-submitted approximately $400,000 worth of calculations relating to air fare back as the 1st of January 1979." This related to adjustments on the internal billing.

HON. TRUMAN M. BODDEN (continuing): Now this and the many other aspects in here I believe that once these are cleared then we should be somewhat nearer to seeing what is the realistic bottom line on the loss or the profit as the case may be. But Cayman Airways, Mr. President, I think has to be looked at, not just in the light of the monetary value, but the indirect value that it provides to this country. Firstly it provides the basis of a stable economy, communications is vital to tourism and it is vital for the financial centre. Secondly, during a recession it ensures that we can have the continuity to provide the stability during that period and lastly, it does provide certain benefits over and beyond what a foreign airline would provide such as during a hurricane it can be used to shuttle people to Miami or elsewhere.

So I would say to this House that while it is necessary to ensure that a system is brought in to tighten the controls within the airlines, it is important that it be capitalised on a reasonable financial basis and that its continuity be regarded as a priority as it is one of the foundations in the two pillars of our economy. One of the myths that seems to be floating around Cayman Airways from time to time is that since there are no politicians on its Board of Directors it does not have any means of answering to the public. Well this is a myth because this Government owns that airline, it owns the shares in it and I feel that it must, from time to time, answer reasonably through the Member whom I guess is kept somewhat up-to-date on what goes on. It must answer to the public and at times I must confess I am at a loss as to what is happening within it and quite frankly before it reaches the stage where the Legislature approves Cayman sums for capital expenditure within it, I will demand to be brought up-to-date on what is happening and given some assurance that the Auditor and Accountants have a system in place that we will not have repetitions of the $250,000 and other amounts in the past. But I believe it is the duty of this House to support a capitalising of it; let us put it on its feet and let us weigh it as an overall foundation of the two pillars that make up our economy - tourism and the financial centre.

The Cayman Islands Information Bureau, or the News Bureau as it is called for short, one of the things that amuses me and frustrates me is the way that people ask for something and when they get it they do not want it and they then endeavour to retract their position. Every Member of this House has, from time to time, been approached by the public and they have been asked why cannot more information be given to the public. It was a work of nearly everyone's platform - we all gave pledges, at least I did that I would have public meetings and I would endeavour to put information to the public. But the putting together of information and articles is an expert's job and it would be very naive of anyone within this House to believe that because one is a politician then one is an expert in every field.

The public having asked for more information we moved from a system of a part-time Government Civil Servant to a Bureau that has very ably and ably produced the information that the public and Members of this Legislature have asked for and they are good at doing their job. Now you know even the Compass in its editorial that they had to criticise the Bureau, had to admit that they are receiving far more information than they ever did before. So they have admitted that the system is working. Now having gotten to a stage where we are fulfilling one of the main things that the public has asked for, we find that some of the people who have asked for it are now saying, "Oh, we really did not mean that we wanted to have more information to the public.".

Anyone who has been in the Executive Council knows that it is impossible having to spend probably half of one's time there to sit for hours and write news articles to give to the press. You can do a limited amount, but you cannot do what can be done by a full-time agency. You do not find the Times, Compass and the Northwestern having half-time people who are doing other things writing for them - they have full-time people in them and they have people who are journalists. They

HON. THOMAS W. HOGBEN (CHAIRMAN): ...not think we publishers and put them there to write their articles. So they understand the reason why it is necessary to have experts in the area of journalism to deal with this, and it is so in every other country - it is nothing unusual. You said that the First Official Member referred to several places, I think the Bahamas or Bermuda - other countries. So what we are looking back to then is a question of the cost, but as I hear telling this Honourable House, anything good you get these days you are going to pay for it, you know that. There is no short-cut to that. If you want a good journalist you pay for a good journalist. If you want a person who is going to spend half-time doing research or information and bring a little bit of articles that come to them you pay for that. But what I have never quite understood throughout all of these arguments is really what is the alternative? What is the solution to this problem? We have practised a solution to it and basically we have had a rejection of that with no alternative. Unless you are going to have these journalists in the position that they are not or they are going to be a department, it does not matter which way you go you are going to pay for them. And quite frankly with the way that the Tube Bureau and the tourism service have promoted tourism throughout the world to keep us in a position where tourism overspeaks while it increases everywhere this country has kept in a state of boom when there is a recession in other places, when these people are aware of what they are doing, and it would be very wrong of us at this stage to believe that we can go back to a situation where I have to sit down and write out or do what one or three journalists should be doing for my newspaper. I just account for it. And this is a fact of life and the people now, I think, are getting a sensible and more of the views can say that they are not getting more information - they have had to watch them and they are happy, but naturally some of them are obligated to take the advantages that they take for whatever reason they have to do so.

While on that subject I would like to touch on the question of the fact that I feel, under the social services also of my portfolio and also in journalism, a place in the public, that if we can reduce item postage and rumours in this country that my portfolio's job would be much easier. It has been said, Mr. President, that a small story runs on wheels and every hour adds two minutes as they run. Well that unfortunately still exists in this country and it would be good if a lot of what is rumoured over the bush-telegraph from time to time that people should endeavour to get their facts right: try to reduce even the amount of gossip and the amount of rumours that go around in this little place. And quite frankly I think that possibly you noticed more Police in this country than has anything else, be it motor vehicle accidents or otherwise.

Lastly, Mr. President, there has been a call by I think one Member, the Member from the East, Capt. Ebanks, referring to communications between the Government and the Legislative Assembly Members. As the Fourth Elected Member pointed out this is a two-way street and it is all well and good to call for and say that we want information, but if that information is going to be basically pushed into the barrel of a gun that is aimed at us we would have to be stupid to do so. So if we can get some understanding that the sort of approach taken with yesterday's one of the two memoranda that has gone to the other Elected Members which ended up in what I recorded as a minute minute and was mentioned earlier what I requested to go the memorandum for the abolition of whatever it was, and then an explanatory brief note if they is a very clear indication that we must have some understanding between us and to this. I hope we have to be stupid to hand out information and come back here to have that information used against us in the next meeting. It is a natural human approach that nobody is going to give anyone else a loaded pistol to bear him in the face with. And if

HON. VINCENT M. BODDIE (CONTINUING): this House can reach a stage where that understanding is there, where the communication is two-way, where we are not given these surprises, then fair enough, I am prepared to get together with other Members from time to time and we can begin this communication going. So on that basis I am quite happy to look at that aspect of it which I think would help to improve the situation in this country because we are one year down the line now from our political elections and three years away from it and I think that now is the time for this House to endeavour to look constructively, not only at communication, but at the overall situation and let us try to move forward.

Today on to the economic position in this country we have seen, Mr. President, I believe for the first time a budget that is balanced within the year. This is undoubtedly an economic feat to which I would say the majority of people in the Island and the majority of people in this House have contributed. It is not a matter of resting on our laurels, but it is an established fact that this country is now in a very good financial condition. Therefore, Mr. President, it concerns me when we have sensible scepticism and cynicism by members of the public who seem aimed at driving this country's economy into the ground again. To look at something of this sort from a financial point of view and to come up with a view that - well it may be alright now but perhaps next year we are going to be completely into recession, and this has been revealed from time to time, I think is a lack of faith in the figures that have been presented to them.

Sometime back I was sitting among from a member of one of the international organizations and I was discussing the Government from the political and economic point of view, and he sort of smiled and he said, "Will you do have a very primitive form of constitution in Government and maybe you should do something about it.". I said to him, "Well that is true, the constitution is not advanced, but you could not say that we also have a primitive sort of budget because this country has a general reserve and it has an accumulated surplus and really the advanced countries live in a world of no reserves and deficit budgeting really.". He looked at me and he smiled and he said, "I guess we agree with that which is best for him.". And this, Mr. President, is one of the things that I feel the Members here should realize as I assume they do. The position at present is one that is far better than it has been in the past and perhaps one of the best that we may find for future years to come.

If we look back, Mr. President, at the history of the budget and of the economy here we will find that there has been practically no reserve of any sort, of any size, until quite recently in the last two and a half to three years. Secondly, if we look back at the question of surplus and deficit, in 1981 we were looking at $8.7M surplus; 1980 $3.0M; 1979 $1,000,000; 1978 deficit $585,000; 1977 deficit $137,000; 1976 deficit $414,000; 1975 surplus $1,000,000; 1974 surplus $361,000; and the budget has gone from a position of about $16M or $14M now into a stage where it is in the high $40M. Luckily the public debt has not increased, but the servicing of it has moved from from about 10% to under 5%.

Since 1977 to until 1981 the loans and development aid totalled approximately $5M, whereas between 1978 and 1979 it totalled some $10M. This shows that a very large amount of capital expenditure is being financed locally and from now on it will have to be financed locally.

The confusion that arose sometime ago between the invisible trade and the visible trade was another one of those unnecessary blunders that did not go we could be really glad sometime if there is a lack of confidence in the monetary or economic department of any of the media, including the media, that they would perhaps step through and endeavour to ensure the position in relation to very important matters. Because, quite frankly, to confuse those two in a country with such a large amount of invisible export is one of the biggest blunders I think that could be made. It would not matter in a country which has a lot of visible exports.

HON. TRUMAN M. NICHOLS (CONTINUING): Mr. President, the statement of assets and liabilities as at 31st of October, 1981, shows a general surplus of $38,432M and an accumulated surplus as at the 31st of October, 1981, of $9.2M. This is in excess of one half of the expenditure of this Government now comes and I think it is undoubtedly an enviable position. What I am really taking at this stage is that whatever will endeavour to keep the economy of this country the way it is; endeavour to keep it moving ahead. Unemployment must be unfortunate but it is not full in the hands of the Islands and less might and attack the economy or attack measures which are in their interest. I think that there is normally sufficient on the mainly individual side to deal with and we must look objectively at situations such as this, acknowledge that the country is on the right path economically and try to promote it. It is no good taking the approach that because the U.S. has a recession that we must have a recession most recently I believe is one of the theories that this country has been live and live upon because the feeling used to be that if the U.S. went in recession we went in recession. That is correct if you do what the United States does to induce a recession. This Government has not done that and therefore our economy has continued in a state of from despite the recession in the U.S. and in Europe.

So let us not take the reasonable approach that because someone else in an effort to run talks down that we must fall down under the same obstacle. Our economy is independent in various respects of other economies and I think that if we handle it right we can continue to have a continuity, at least for a period of time of the boom that we have experiencing.

Lastly the Members from Cayman Brac have fairly valid comments matters on Cayman Brac and Little Cayman and I would merely like to point out that this Government has put more capital money into that country on those Islands in the past five years than has been probably put in in the past fifty years. And I think this is not only a further in the act of its permeantation, but it shows a constructive approach to assist the people that have been taken into society over Island amongst the three Islands and I believe and I believe that the people in Cayman Brac and Little Cayman appreciate that some effort now been made to ensure that they can share of what is due to them as well as may have been due to them in the past.

To end, Mr. President, I would ask Members this budget is one for the future - it is for the coming years that they would endeavour to look towards the future in their whole approach to dealing with the Estimates. What has happened in the past is history and it can be referred to, but let us not confuse the past with the present and the future. It was once said that when one looks in the rear one may be forgetting from the future. What we are doing here would afford us for another year to come and whatever has gone with the bridge this year is now unfortunately behind us; and while there is money in the reserves, while I know there have been allegations that this Government and I guess every government spends too much, we have taken a very sound economic approach to the finances of this country. With that amount of general revenue it really would have to take someone who puts their tongue in their cheek if they endeavour to say that this Government is over-spending, especially if in the past they were part of a government which may not have been in a position to have a surplus.

The time is ripe things should be when I have to on whether that is to increase duty or tax or to take it off of necessary goods or to spend money in an area that is necessary. So the budget that has been put forward now (this Estimates) have been looked at carefully. They have been gone through with a view to balancing the budget within the year 1982 and Members should realise, with the large amount of surplus accumulated and reserves put aside that as the incident Executive Town Councillor's point of view and I would ask that the account be given to the budget as it is presented in the Estimates.

HON. NORMAN W. DORSEY (CONTINUING): The main aim, as I mentioned earlier, with finances is to move forward and to ensure that we endeavour to deal with matters fairly and at the present and in relation to the future of the country.

MISS LUCILE JULIAN DORSEY: Mr. President, I would humbly request, Sir, that this matter about Caribbean Utilities Co. Ltd., be investigated so that my name may be released from it. I know absolutely nothing about it and I am sick and tired of being referred to as a broker in this House - I am sick of it and I would like Miama, Sir, to have it investigated.

MR. PRESIDENT: This may be a suitable time to suspend for fifteen minutes.

AT 11:04 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:28 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

MR. TRADDOCK FOARDE: Mr. President, I think Members have been wondering if I intended to speak at this session or not. I do not think I will be as lengthy as I have been on some occasions and I certainly will reduce my time a bit on this side and have it to use in the Committee Room because I do have a lot of notes made on the budget for certain ramifications and I intend to put some comments on my contributions.

At present, Mr. President, we are always glad to be indebted to the Financial Secretary for his able work that he produced to this House at the end of each year as the budget address. This being his last presentation of the budget it appears that he did spend a lot of time putting it together and it is a well prepared document and well presented to this House covering Government's contributions and its revenue to its full extent. While, as he pointed out, everything seems to be well I am agree to a certain extent myself, but we all do realize, or we ought to realize, that all good things come to an end at some time.

Everything essentially in this country over the past four or five years has been growing in leaps and bounds. Much of it, maybe most of it, for the good of the country while some is not good. But, Mr. President, to get the good we have to get some of the bad as well. The one thing that I have always stuck out for is when you are going to spend somebody's money it ought to be spent to the best advantage where you can get the most for it. This is not new in this Government and I do not suppose in any government, but there is always some money spent where we do not get any return. But I feel, Sir, that when one can put a finger on the spot then it ought to be changed. And with, as I just said, the magnificent job that the Chief Official Member presented to this House it takes somebody a long time to be second to that. But I am not prepared to agree with everything that he has said. I will, as I said, ask some questions and if I am satisfied I will agree and if I am dissatisfied I will disagree.

I know as legislators we are not supposed to go over the fence and say certain things and name primarily individuals, but this House has been assured that Government, over the last few years, would look into the situation of Government and try to remedy it by, as we would say, clearing out some time the ones not producing. Whatever Government might have done about that there is still more to be done.

MR. CHARLTON BROWN (CONTINUING): Once in a while when I might speak to a head of a department pertaining to something about those lines, they say, "Well if we get rid of that one which one we going to get somebody else? That is no problem - if you have somebody who is a problem and you get somebody who is a problem there is no difference. So you will not hear of, they will probably be eliminated until you make a trial.

I think, Mr. President, that just about all Members who have spoken here agreed in unanimity with probably 90% of the budget covering the estimates for the year 1972. All the different sectors, all the different departments are growing, tourism still seems to be growing, as we term it, in leaps and bounds. And over the last two years while other Caribbean areas, as has been pointed out, tourism has fallen and does is on an upward trend. Then, Mr. President, we are still looking forward to the continued growth in this and according to projection, according to those witnesses from the Ministry of Tourism, 1972 will be a somewhat busy year.

We are getting to the stage with which relating to the Island where we will be having certain ships calling once a week year round. So we can only say then what it is growing and growing fast. The day we have two and three ships is a little bit much, I believe, for the little town, George Town. With four or five hundred people, seven thousand people hurrying around in all the shopping areas it becomes pretty congested. In a way that is what we are looking for - business, people to come in; we do want that this will continue to grow because it is one of our main financial returners.

Companies manufacturing spoke in another chamber that is growing rapidly, and if these investors are not satisfied with this Government, Government policies, the laws of this country, then we would not be having the influx of these investors. The same applies to the banking. It has been pointed out we have some of the world's most major banks here and they are doing a tremendous amount of business - no doubt about that.

We come to the prison. It is not as good as we would like for it to be. A prison or prisoners do not enhance a country. And it is with regret, Sir, that only five months ago since this prison was opened and the necessary bed doubled in those five months, that that was not until good for the country. I am not trying to say, Mr. President, that Government is to be blamed for that - not at all in any way, but if our prison population has to grow that fast then we have to do a lot of thinking to see what may be done to help curb this. Eighteen moved into the prison on the 2nd of June and within the next five months has risen between thirty-five and forty. It appears that the second phase needs to be accomplished, finished, pretty fast.

Police. However bad anything may be there is something good in it. The old proverbs say the devil sees holes in some at times - either to get him into trouble or get him out. While the police are doing a good job, there is a lot of room for improvement for them to do a better job. Another proverb, the fruits of a tree are no better than the fruit of the tree itself. You are not a good fruit from a bad tree or a sour tree as you might term it like citrus. You take a sensible orange and a sour one and you graft a round orange in it you get a sweet orange. You do not get any more sour oranges from the trunk. That one is the one that is feeding the sweet orange that causes it to grow and bear and it does seem, Mr. President, if it were possible we need to do some grafting in this department because there is a lot of room, as I said, for improvement. That has happened this house over many years, Sir, and the increase in salaries does not change it, is the discipline of the police. They will walk pass anybody in the

MR. CRADDOCK FRANKS (CONTINUING): while, most of them, would do not have the courtesy to speak to anybody. In so many cases they get bad examples to the public. We talked about examples, just drivers and some of them are the worst.

In the wee hours of Monday night a young woman came and called me out of bed. Some policeman, it was her boyfriend, marked up all her house, her fridge, her radio, he tore in her linen and she asked me to have a look at it the next morning when I was coming into town. Well I did stop by and had a look at it. That is an example of some of the behaviour of some, not all, of the police. What we will do to change this I do not know either, Sir, because we have attempted to do a lot of things and nothing seems to work. I think a lot of them think it is fun to be in the police department, the police force with a uniform they can walk around and attempt to talk to people like how they feel they want to talk to them, but not in the right manner and attitude and spirit as they should.

In a lot of instances, Mr. President, cases that ensued the courts, the police create the problem and then turn it around and prosecute and take them to court. They agitate members of the public to create them to get angry and to say things then probably would not have said and then the police take over from there.

Agriculture. I think, Mr. President, within the last two, maybe three, budget sessions dealing in the Finance Committee, I have suggested, Sir, that this ought to be closed and I still suggest it again. I agree, Mr. President, none of us would like long without some food: even if we went on a hunger strike we would probably last for eight days. But if over the last eight to ten years concerning the Demonstration Farm all in the future of encouraging agriculture in this country there would not be a worry to worry for another ten years if that is where we are going to get our food from. People are there every day, for five days a week I believe - not less, and by the end of the year there are thousands of dollars paid out for labour and now names go to that farm who morning and find enough to make one meal. I put a couple of Members to go a few days ago and they saw for themselves - they were amazed and shocked. The Member who was responsible for Agriculture six or seven years ago told this House it was being well established with citrus and when you go there you see half a dozen dying citrus trees.

There was an article in the press a few weeks back by the New Zealand about the wonderful job that is being done out there with the irrigation and most surveying on plants - I do not know where this is. They have a few little boxes there with a few plants and a few little tiny trees. One section had a few dozen tomato plants with a very good crop on it, but with fifty pounds of tomatoes from those trees how far would they go in the supermarkets to supply the needs of the public who would buy them? I mean we are not getting anything for the money, Mr. President and if we want to make a weekly donation or contribution to a few people who want easy money, close down the corporation and give these fellows the $40 a week and let them buy their plantains and beans and sell it quite.

I see in the Estimates where it is planned to try to improve the agriculture by bringing in it must be roughly two or three qualified people and then we are going to pay big salaries to somebody who probably does not know anything about agriculture either and what are we going to get. I thought the whole purpose for the Demonstration Farm was at least once a month or once every two months for the public to be informed through some media or another what is done given by farmers in the island, who would be interested to see what we are growing and how we are growing it and how fast we are growing it, would most for that, but they could not go there

MR. STADDOCK EVANS (CONTINUING): and see anything today." Nobody could take any farmer there and show him this is what we are doing. Then they are saying that they need more labourers to clear the canals along with this. So we will have two different areas of grass yards, one to keep a few sample cattle and the other to hay the land.

Mr. President, there is nothing that burns me as much as people getting money who do not work for it. When I say work for it, Mr. President, common labour is supposed to be eight hours a day and when so many people are working in the common labour field for Government, if they put four hours a day out of them they have done well and yet they pay for eight. These are the things that burn. They warrant to do the same thing for me and when you ask a word to them they starve you. If Government does not send a vehicle to where they do not go to work. I think all of this, Mr. President, needs to be looked into.

In the Estimates there is a lot of money put in for transportation. I am going to ask, and ask, and ask here that until I get the answer that I want. Why and how many in Government are entitled to transportation? When I see Government vehicles on the roads after working hours, when individuals who drive Government cars have no convenience when I am going to want to have some answers to some of these questions.

Roads and bridges, Mr. President, that seems to be growing so fast that they can hardly cope with it. The returns are great, but the public is putting in a lot of time there to get service. There was a question, and I asked a supplementary on it. Some ask us long ago to the First Official Member, why this Department only works four hours a day. And I worked that it be investigated for an answer, but I have not gotten it yet. All the other Government Departments work eight hours and it is pretty hard, Mr. President, for me to accept that that Department needs more than a Department like Treasury which is dealing with thousands of people in the run of a week in that Department against a few hundred in this Department and they must have only four hours work out of eight when Treasury has to work eight hours. I mean there is something wrong, Sir. If they need more staff, get more staff, but the public should not have to go there and wait, go away and come back and wait and go away again. That is not good enough Mr. President and this must be looked into. I am not trying to say, Mr. President, that those working there are not doing their job - I am not saying that.

The garbage collection - that is another area the Government that is being abused and it does not seem that anything can be done about it. Some attempts a few months back were made to try to find out who was paying for garbage collection from who was not, but it was thrown aside somehow. But I cannot see, Mr. President, that that should be too much of a problem. We have the sanitary department that is responsible for the members of this Island to see that it is kept clean and it looks to me that any member of that department ought to be able to go out from time to time and make checks and find out from house holders if they are paying their garbage fees or if their garbage is being collected. I know, Mr. President, a number of households say that they burn their garbage, but a lot of them dump that perhaps on somebody else's property too. Many of them do not have any receptacle of their own and they dump it on somebody else's property. I remain now that this should continue that Government then has to find extra money to provide for the collection of garbage by providing trucks and manpower and all of this when, more or less, if a proper garbage collection was being done it should just about be paying its way. I do hope, Mr. President, that in the coming year that this will be remedied to some extent.

MR. CHADWICK EVANS (CONTINUING): "The Traffic Study. I think, Mr. President, that we have just begun to study the traffic. Much of it should have been studied long ago and a lot of what has been implemented, particularly in the George Town area, should not have been. The Traffic Department always seems to try to make it as hard for the motorists and the public as possible instead of trying to make it as easy as possible. We have an amendment to the Traffic Bill coming up and I would have liked it to have come up before we get to this dealing with the Court Witness. But that amendment is not being proposed to help motorists in this country.

For so long now the parking between the Courts building and the bank a number of vehicles parked more or triangularly and get in there. The Traffic Department, in its wisdom, attempted to change it so that four cars could park in there by parking parallel with the most deserving about twice other cars to be able to park there. Those other vehicles must drive around, try to find some where and make a half a dozen circles around town, and if for some reason or another one circle is some place and is found within six inches of a yellow line then he goes to court for illegal parking.

The excuse for this amendment that is proposed, Mr. President, is to take away every vehicle that they find parked in connection with a yellow line; then for a fee to be reinstated for the owner when he comes for it (or one as the case may be) the fee would probably be ten times more than what the courts would charge. Besides that it states that responsible of damages occurred, Government is not responsible. Mr. President, such an attitude as that to this public, to the people of these Islands, is not creating a good atmosphere. Because I will tell you, Mr. President, with due respect Sir, because I will at the end of this session unless you on my fashion of you being here for seven years and your leaving, but I will tell you, Mr. President, at this time if it happened to be me are that they found in there one bore the fanfare off and washed at the lights or anything else then, excuse my language Sir, but there would be hell in the Police Station and most than would be charged. We should pay people to take people's property and destroy it and then say they are not responsible. If we talk about communism then that is some of it - only people in Cuba or Russia would attempt to do these people that, was if we are democratic good law abiding citizens and people of a good country. Provide parking spaces for motorists or for as reasonably possible and then start to do some prosecution or tell people they cannot park in certain areas.

When you have 150 to 200 cars coming in from all the outer districts to town to work, to do business, what must they do with their vehicles? Put them on their backs and step them around like a basket? We need a traffic department that has common sense and common knowledge and understanding how to deal with the public and people. Mr. President, if we do not build relationships then we will build something else and that has been the problem. Some motorists might have made a knock a dozen grips around the whole town finding no where to park and finally slide into the Post Office to draw some mail or collect some mail and when he came back he has a station there. And then is the day of confrontation?

We have approximately 140 to 150 taxis in this country and there are nine parking lots for 150 taxis. The next most urgent home which there are nine marked out there or so we call ask the Traffic Department where they can park until those more. I hope the Members of this Honourable House will look into that amendment when we get to it because I have just started and I have not finished with it yet, Sir.

Roads. We have a lot of roads in this country to be completed. A lot to be brought up to a reasonable standard, but there are certain areas of roads, Mr. President, that I have mentioned in this House before and I would like to have seen something done about them and nothing yet has been done. I know everybody wants theirs done first, but you take the road from the Esso Service Station as you come out

MR. MALCOLM HAINES (CONTINUED): ... the minimum entrance until you reach town, particularly the last stop of the road driving out to Bodden Town, that side of the road from this service station to town is always in a filthy state. I do not what visitors think for the first time when they ride that, especially if it rains and a lot of water settles around there. You have the bush and the shoulder that is taking its merry time reclaiming cement milk unless he wades in the water unless he leans in the bush. I would like to have seen this section of road brought up to standard the full width of the lanes. The other side appears to be much more humane to it in its entirety. The Victorian Square thing right on the west end, the whole place floods with water every time it rains. Up at least the connection installation plans there for a gully and the whole length of the lane has been there for years and they will not fill it in. We already have to crawl around that.

There can still be and they could be done and they should have been done and it would make a 100% improvement to the area and better safety for people walking. But I suppose it has to be asserted for two weeks too.

Mr. President, much has been said about many of the other things: education, Cayman Airways, Immigration, Mosquito Research. Mosquito Research is the only one department in Government, except the Legislative Department under the small staff that it has is efficiently and well run; but having dealt by itself and dealing with the former departments of Government, the Mosquito Research Department is the only department in this Government that is not taken for a football some way or the other. They are doing a job that seems well. They are doing a job that is well done. Once in a while we have a few mosquitoes and a few pests and they have not done anything.

I feel that most Government departments, Mr. President, could do a better job than they are doing in the eyes of the public because the public can see it. They can visit them. When you go to departments at times you will find two or three people talking and you stand there and you wait and wait for five minutes or ten minutes before anybody even comes to find out what you come for or what you want.

Mr. President, as I mentioned in the beginning that the people in tourism are finally coming in leaps and bounds, and much of this is caused by advertising and I believe, Mr. President, that one of the best advertising that anyone can have or get is when a visitor comes here and goes back home and tells us to his friends and relatives the way of life in the Cayman Islands. And I have seen quite a bit of this from time to time over the years people writing back to the wives of their friends and now they are telling their friends about us as a holiday. And Government has spent some money on advertising and we are duty bound to. The Government is saying that we need a Main Bureau to further advertise and help broaden our country.

If in the last three to five years things have grown and developed in this country the way it has been doing, without a Main Bureau, by a part-time Government employee whether she be in full-time or not) there was a member of Government appointed to this post, and when we dealt with this two months ago it was sort of a surprise to me and I read but very little about it. But after getting the full role on it, what I am hoping to say, Mr. President, is this. If this country has grown as fast as it has been growing over the last three years, four years, five years, the amount of people visiting this Island (which has been following the trend of expectation), then we all this above must take two separate moneys. I am not saying now, Mr. President, we should not continue to advertise towards, I am not saying that, but to be wasting a number of people big fat salaries, to sit back in an easy chair with their two booted feet on the table, out of the two separate sums and then of the type of advertising that the News Bureau would do, if that is going to double us or treble us on the development of this country, where are we going to put visitors and facilities when they come here?

MR. CHADDOCK EDWARDS (continuing): We are short of housing now. Hotel rooms seem to be full all the time. Is it that somebody has taken a quick look and said there are a lot of rooms down in the Queen Elizabeth and while they are blooming low we do some fast building and get some out of these? I think a lot of Queenslanders remember Mount and what they got out of him. They rubbed a lot of poor people of their small last nickname. And when the roses start to fall they will go out and we are still left here.

It has been said, Mr. President, and we have all said this and agreed with it that the public ought to be better informed. But advertising overseas, selling the country, selling its beauty, selling its business, its sun and sunshine and sea-bathing, it is not going to do the man on the street, or in Wintamation, Mr. President, if I took notice of your ads, as well for you I must be said a special wife and then if I am going to do worse wife, I must be paid extra for that too. That should not be, Sir. If you are saving me as member of your side, then one wage ought to cover everyone either and it appears that this is what this is being broken down to.

Now I have received the cross for the last few days and I do not see anything in it. Where they say at the bottom of the news item, I do not see that, Sir. I have seen it in a few papers some weeks back, but has all the news finished now? I think the Hon. Official Member in his remarks yesterday made some reference to Expo'67. The news Bureau of America is government owned. With over two million people government owns the news bureau. Is it feasible, is it possible that we should pay out these vast sums of money to a private news bureau to advertise the Islands as a tourist resort and to attract something considerably locally? This is one of the areas we will deal with in Finance Committee.

I cannot see, Mr. President, the reason why all of this expenditure is warranted. As I said I am 100% for the continuation of whatever system, whatever we have here today, whatever money has been contributed to advertising, we must advertise further and further and more and more each year. But do not bring in people that have not done any good to this country to start to take off the taxpayers and leave the remains for the locals.

Mr. President, I could go on some more. There are areas that I have not touched on, but they have been pretty well covered. So at the end of this session, Mr. President, I will take it my duty to attempt to find a few suitable words on behalf of your decision to this country and its people and as well as the financial economy who will leave shortly after you. It is somewhat, as far as I am concerned, with regret that two people of such calibre will be going into retirement at one time as it were. Anyway we still look forward for this country to continue on its highest esteem and prosperity and law abiding as it has been in the past years. So until the end of the session, Mr. President, I will close my few remarks on the Debate of the Budget Address.

I thank you Sir.

MR. PRESIDENT: I will suspend proceedings until 8:30 this afternoon.

AT 12:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 8:30 P.M.

MR. PRESIDING: Pronunciation are assumed.

HON. D. P. KANTON: Mr. President, Sir, I rise to support the motion before the House and to join those who have congratulated the Honourable Financial Secretary on his excellent Budget Address. He and his officers, Sir, deserve all the praise they have received for a massive job well done in preparing the draft estimates for 1981. I have now heard the Honourable Financial Secretary deliver five Budget Speeches. Each one of them, Sir, has been a jewel of its kind. His work, until I leave, serve both as a model and as an inspiration for those who are to follow him.

Mr. President, the debate has happily dealt tersely with the subjects in my portfolio and there are only one or two matters which call for my comments now. Firstly, Sir, I am obliged to the Honourable Lady Member for Bodden Town, for emphasizing the need to look as far as possible into the future when setting the terms of contracts into which the Government do to enter. This is sound advice and we in the Legal Department will do our best to bear it in mind.

Next, Sir, I would like to refer to the matter raised by the Honourable Third Elected Member for West Bay in referring to the new system for local land adjudication. In formulating this system the Government was fortunate in securing the services, as an adviser, of one of the leading legal conveyancing in the United Kingdom, Professor Dalzell of Hull University. The Professor came to these Islands a couple of months ago and interviewed a large number of persons concerned in the subject. Since then he has already given the Government much valuable advice. He assisted the Government in formulating an outline for the proposed law course. He has guided our thinking in the way we should set it up and in particular, Sir, Professor Dalzell is now helping us in the task of locating a suitable person to be considered for the post of Director of Local Education if and when the necessary funds for that post are voted.

To turn to the particular question raised by the Honourable Member, Sir, it can be said that as yet the exact arrangements for examining the students have not been finally settled. A general outline of those arrangements has, however, been prepared. It is intended that statutory regulations giving form to the arrangements will be brought into force so that those becoming students will know from the outset what examination hurdles will have to be jumped in pursuit of their desire to become qualified lawyers. It has been accepted, Sir, that the examiners will be fully qualified and independent persons from overseas. It is hoped, Sir, that Professor Dalzell will be prevailed to continue helping us by advising on the selection of the course of examination once that is in position by monitoring the standard of candidates and by advising on the selection of examiners to set and mark the examination papers. All involved in the establishment of the new system are determined to see that those who qualify are in every way the equal of those who qualify elsewhere. It would be a grandiose error to establish a school which produced an inferior class of practitioner and all Honourable Members, Sir, can rest assured that the Government will not allow this to happen.

Thank you Sir.

HON. JOHN A. MCLEAN: Mr. President, once again it gives me great pleasure to debate another budget address. At the same time I join with other legislators in congratulating the Honourable Financial Secretary on what I consider another milestone of a very comprehensive budget address.

In this Address, Mr. President, the affairs of our Government, both for this year 1981 and the year 1982 are so clearly laid out that I am certain even a child would comprehend it. However, this is nothing new for this fine gentleman. It is only what I consider a continuation of his excellent works. Mr. President, I do consider we are a fortunate people here in the Cayman Islands taking into consideration our size in comparison to other parts of the world and to know that we are able to sit in this chamber and most important not only to debate a budget of $45M, but to have that we have a budget before us which is termed less balance.

HON. JOHN B. MCLEAN: There is no doubt, Mr. President, that this has come about on its own. I feel certain this is the blessing of Almighty God, your premier guidance and a very able and ambitious Financial Secretary. Other West Indian islands envy the position the Cayman Islands are in today. In most cases these islands and their people are almost taken out of existence and yet they can never balance a budget and they seldom enjoy the fine facilities we do have on our little Islands. It is quite gratifying to know the performance of our economy in 1981 and what we have for come 1982.

I am aware, Sir, that there are some people who are very concerned especially in the areas where the wages for construction has recently slowed down. But I think much of this is due to the fact that we are faced today with high interest rates; this is something that we can say some about within this year and I am certain that as soon as the rates become lower it will again pick up in this area.

In the Budget Address, Mr. President, mention was made of our tenth position. It was pointed out the great difference between our imports and exports and for various there was only one thing that could really be mentioned and that was products being exported from the Sister Isles. I have noticed that most, or all Members of this Honourable House have taken this lightly or did not choose to speak on it, but as the Turtle Farm falls directly under my portfolio I feel it my duty at least to mention it.

It is my humble opinion, Mr. President, that the Turtle Farm is one of the most important developments that has ever come to our shores. We are all aware of the problems that have been faced with. We as a Government have tried our endeavours to have it back on its proper footing and thus far we have not been successful. However, I do hope and trust that other Members of Government will agree with me that taking into consideration the important part the Farm has played in our economy, the jobs it has offered, the attraction it has been for tourism, that we as a very thoughtful Government should not just sit down and see the Farm go by the by. It is my humble opinion, Mr. President, that if Government endeavours to make some short to left of the Farm there are other areas that we could mention such as shrimp rearing, even if it means that the Farm should be leased out to private enterprise. But something could be done so far as keeping the present breed of turtles going until we can see what will take place with the new government in the United States.

It is a fact that whether being recognized or actually has been proven in various parts of the world and there should be no exception to Cayman and I am asking that Honourable Members here at least give it a thought because I would hate very much to see such an attraction, something that has in some way put Cayman Islands first, name to an end. As I have pointed, Mr. President, it has been a great attraction to our tourists and it has contributed many jobs although this is different today, but it is something that I feel we should do to encourage those who have paid millions and millions of dollars into this operation. Here in the Cayman Islands there is very little that we have to offer to the tourists and I do not think that we should let anything slip through our hands to try to keep it as attraction as possible. I am aware what what we do have is by God the best which includes our beaches, friendliness, peace and quiet and most important we can still boast that we are crime free in comparison to other islands.

Mr. President, taking into consideration our tourist industry and since I have been having myself in the tourist industry and the Turtle Farm at heart, I feel that hoteliers and commercial operators should make a greater contribution and they should take into consideration over the years the benefit that they have derived from Government. It is for this reason that I wholeheartedly support the recommendation that the said Government be approached to increase the hotel room tax and its enactment. We each have appreciate a large sum for advertising. While our country benefits greatly from it, it is a fact that the

HON. JOHN B. POLEAU (CONTINUING): hoteliers and condominium operators are also making great profits. So I feel it is only right that they make a bigger contribution. There is one thing, Mr. President, that I would have and that is that the extra tax which is collected could be earmarked for proper training of our people in the various ways to do with tourism. Constantly we find that our people are pushed aside because those in charge of hotels feel they are not fully qualified to undertake the jobs. There is something I have proven over the years and that is if given a chance, the average Caymanian will succeed. We do have the role once she is given a handful of gold probably would take it, but would not appreciate it.

Mr. President, another area which I would like to touch on briefly is the banks and trust companies, companies registration and insurance. Since there are now so many new sources for our country, there comes which contributes much in the way of jobs and scholarships. Again, this is a great help to our people and I continue to make appeals to those concerned in the areas mentioned to bear in their good work and whenever possible to help our people as much as possible with scholarships. I think, again, unless this is done Mr. President, our people will never be able to fill the jobs in industries such as mentioned and we will constantly be faced with importation of labour for the positions.

We, again, are quite fortunate Mr. President, besides having many companies registered and besides having many banks on our records, as I think am proud of having been quoted and quoted. I feel confident that the areas in Government which actually deal with the various companies have a very watchful eye that we do not fall into the same dilemmas other countries have with lacking only the quantity and not quality. This, in my way of thinking, would have to a great benefit in any country.

Again, we as legislators, Mr. President, should also and think. As I have mentioned we are fortunate to have such investments in the country and we should endeavour as much as possible to work together here in this chamber, to work together as a Government and to forget about our some feelings, unite and try to keep a clean sheet in the world of today. As I reminded and, many many the problem we are the today; there has many with come and I feel that we are in this chamber for the same common cause and regardless if what has happened in the past quite we on whose we feel not be about, I think we should forget about it and try our endeavours to put our heads to the grind and do what is best for our country.

It is always easy to boast that we have had a stable Government, Mr. President, but do they not like much to really accept what we have. The same way that we are careful to watch those who come in our country, I am certain they watch us likewise.

One area that I am greatly concerned with, Mr. President, is the aliens' registration. Again, I am aware that it is continually updated, but in the past there have been instances where involved that are registered here in the Island. I do not feel that it presents our country in a good picture and I think that we should watch it even closer than we have in the past and do as much research as possible before entering any skin on our records. This would really and truly put quite a many unfortunate position and it is always good to take the above mentioned before falling into problems.

Radio Cayman, Mr. President, is another Government mentioned and some Legislators have only some very mean things about it. I, for one, am not saying that I agree with everything done by the radio station, but I do feel, Mr. President, that this service in some respects has proven itself. We should always remember that not everyone is as fortunate as we are and I think that in certain respects Radio Cayman has proven itself recently, especially during the last hurricane that we received. I know, for example in my district, many people depended on the radio to find out what was taking place. I am now sure to say that the near each time it came over was accurate, but at least it was something that you

HON. JOHN B. MCLEAN: ... could go by.

... to be also good to see in the budget that this department is almost ready to take care of itself on for ex... costing the Public. I feel that if given a chance it will prove to us as a successful department.

We should also note the recent visit... that took place by our National Council of Social Services with the ... If it was not possible to have a radio station here I do not think that ... be such a great success. It is something that deals with our social problems, it was something that was really needed and I must say that Radio Cayman did play a very important part.

Mr. President, the Police Department ... again be on agenda I would briefly touch on. I suppose this department should be constantly enlightened. I think legislature should take a second look. It is the only sort of recruitment that these islands have. It is a department that I would say must time overrate ... service and I must say with the many young recruits that make up this force ... many reason it is doing fairly well. In my representation, Mr. President, you will find that generally is employed who is not up to standard, but I do feel that under the guidance of the present Commissioner it is his intention to bring it up to scratch and if given a chance it will definitely be there. I am really pleased to see that training for our police is presently done on this Island; many will remember the stand I have always taken on this. I have never agreed to sending our men to Barbados. I have always advocated that they be sent to England and it is good to know that we have our own training here where our police will be exposed before really being put out on the beat, to our laws and the full question of what a policeman should do. I should think that training of somebody now for a policeman is like sending a child to school for the first time. It will take some time to get used to what is supposed to be done, but again I do feel we should not be too critical and eventually we will be able to be proud of our Police Department.

The Prison, Mr. President, is another issue that has come a long way. Like some Members pointed out it might not be the best thing to debate on especially the way that the members have talked on it in such a short time with calmness. But there is one thing, Mr. President, and that is we have our own and there is nothing like having your own. It gives a prisoner a chance, I would say, to consider his wrongs once he is incarcerated here on his own Island where he can be continually exposed to his family. And another thing that I am quite pleased with in this year is to see the great change within this year. Now that the prisoners are in new quarters they are being quite a bit of farming. I was quite impressed on a recent visit to the farm. While I feel, Mr. President, should have been done many years ago, but however it is never too late to do good. I would also point out that the small operation in farming that is presently being done at the prison site has been set up by the Department of Agriculture.

Mr. President, I would like very much now to confine myself to my own portfolio. As has been already pointed out by the Financial Secretary, my portfolio has caused through quite an experience. The first in my year of office that I have had a Financial Secretary sit in the chamber with me was this session. For many months I operated my portfolio as Member and Financial Secretary. Although was in the portfolio, Mr. President, I did what I felt was right and I asked questions if I was not sure. Today I am grateful that I have a Financial Secretary, that I have a man that I feel I can count on; I have a man of my age, a man with whom I have worked together for some time and I feel that if given a chance we will clear out the things that have been overlooked so many. I know it is my intention and I feel I will be greatly assisted by my Financial Secretary to run my portfolio as the saying goes, by the books. I am certain if it is done that way none of us can be wrong.

HON. JOSEP D. MOLEAN (CONTINUED): I would take this opportunity, Mr. President, to thank those Members who did make kind remarks on behalf of the various departments in my portfolio. I take note of what was mentioned by the Second Elected Member from Cayman Brac concerning agriculture development in the Brac, and he will note that on a recent visit to the Brac there was something that I discussed with him and there was something that I assured him as soon as possible we would be looking into and trying our endeavours to do something on his behalf. This is still my intention and as soon as we can possibly do so will be working in this area.

Mr. President, I do not intend to be critical, but I would just like to answer briefly, as well as possible, to the Members who did speak out against various departments under my portfolio. And I would like to quote an old saying which goes like this, "who comes for the inheritance is often made to pay for the funeral". What is presently in the Agricultural Department is something I have inherited. I am not here to say it is all good or all bad. I cannot say that I am satisfied with what is there, but I tell this Honourable House, if given a chance, it is my intention to try as much as possible to have it changed up and I do trust that this time next year when we come here to discuss the annual budget that I will be able to present a much better picture. I will be able to invite any member who would like to, but to the innumerations seem to see for themselves the improvement and I hope and trust that it was not the intention of the two Members who spoke out against this department. I do know and I think they do not have the views of some of the most enlightened Caymanians who thought that Prime Minister Edward Seaga could not survive back on the proper footing within a year. This is impossible especially under the circumstances that my portfolio has been operating. The Demonstration Farm is definitely a goal I hope to achieve and with God's help I shall.

One of the Members was a bit upset with the Planning Department and again, Mr. President, the Member knows the matter was brought to my attention and it was dealt with in his presence. This is the motto I have adopted if a problem is brought to me I will deal with it as quickly as possible and to the best of my ability. I will apologise if he is still dissatisfied and if there is something further he would suggest to me I will always be happy to listen.

On agriculture, Mr. President, by now it is a known fact that the Agricultural and Industrial Fairs is in operation. I am more than convinced that there is a growing interest in agriculture. Presently we have about seven tons on the books which have been given for farming and I must point that in each area the farmers are doing very well. I am hopeful that in the year before us we will even see greater improvements and I have every confidence that there will be. Also there was mention of the number of coconuts being planted on the Island. Again it is good to report that under the same scheme we have had an international party who is presently setting up a coconut oil plant. What I am sure will be in operation some time in 1983 and I do hope and trust that it will have every co-operation possible by our local people.

Mr. President, Health and Education are two areas that I feel Governments can never really and truly spend too much once it is sound property. I feel that a healthy and educated community and country means much to any place. I take the opportunity to commend the Department of Education, the portfolio and all others concerned on the recent graduation. I think this is something that our Islands can be justly proud of. I think it is something that we should do whatever possible to encourage. I feel that we have a very good standard of education. I supported what was brought before us in the same sitting, the Education Bill. It is a fact that Government spends much on education, Mr. President, I must agree that whatever possible we can do to educate our people, those coming into our country should make a contribution as for us making a school fee.

HON. JOHN D. MCLEAN (CONTINUING): Some Members mentioned that we should have more generosity, but normally they should stop and think. It is for this reason, the reason of our generosity that far, why we have suffered in various ways. We can not give his child a better thing in life than a proper education. And if the fees were $800 each they should not kick against it because they should always remember it would be much cheaper than in their own countries.

Again, Mr. President, I would like to say it was a wise step when we saw fit to remove duties on certain food items. It is the second time we have been able to do this. It is something that our people appreciate and I look at it something that is due to our people. A big question that always comes up is will the duty that has been taken off be passed on to the man on the street? I would like to point out, Mr. President, I have had a opportunity working for a wholesale firm here in Cayman. I am aware of the various changes in prices and I recall the last time this was done there was a change in the first week and at the same time when we were here in this chamber discussing the removal of duty. It was impossible for that company to work on the old price list they had been selling on. The only thing that could be done was to work on the new prices because that is exactly what was paid for the stuff. And no doubt if the man in the street goes to the shop and sees something that he was told was sold last week for $2 and knowing that the duty was taken off this week he would expect it to be cheaper the following week. I am mistaken that this company did carry on whatever was possible and I feel certain that all merchants on this Island will do likewise.

Quite recently, Mr. President, we saw fit to put into book form the Throne Speech and today I would like to say that I feel that the Budget Speech that we are here debating upstairs the same thing. I cannot recall any such speech being presented when the Government of the Cayman Islands was about to lose two of its most outstanding leaders. Also I cannot recall any time when a Budget of this size was presented in the Cayman Islands. I hope and trust that this Budget could be treated the same as the Throne Speech for the reasons I have pointed out. I feel they are good enough reasons because we are about to see a great man in our Financial Secretary, and I feel it is only showing respect to have this annual Budget session recorded and turned into book form.

Mr. President, at this time I would like to pay special tribute to you. You will recall about a week ago I did make certain remarks in the news media. This I was justly proud to do. I felt I was doing a job that my people agreed to. I was quite influential in having a letter drafted and sent to Her Majesty the Queen to have your term extended and today I would like to say with deep regret I hate to see you go. I also it can only possible to have a leader of your calibre to lead our Government and country for many years to come.

On the same time I must pay tribute to the Honourable Financial Secretary. I do hope and trust that his successor will be as good a man as he has been. So you both I do wish God's richest blessings and many years of a happy retirement.

Thank you Mr. President.

MR. PRESIDENT: I will suspend for fifteen minutes at this stage.

AT 3:00 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:50 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

HON. JAMES M. DOPPER: Mr. President, fellow Members of this Legislature, it is good to be able to once more debate the next year's budget in this House. I think and that all of us have been spared to be able to do so. I too must lend a few words of good cheer to the Financial Secretary for the job that he has done in the presentation of the 1982 Budget.

This budget that is being presented for 1982 I am very proud to know that we have been able to present it. It is a budget that in my opinion has touched all sectors of the community. Nothing has been left wanting. This is a budget that is very comprehensive and it gets to the point.

Mr. President, when man has done his best it is only the good Lord that can do better and I think we have done our best. Our statement of assets and liabilities, which has been presented, shows that in reserves accumulated over, surpluses and advances that we have at the present time are approximately $22M. In my opinion this is quite an achievement in the few short years that this has been done. We stand at a point today where our Government in the envy of most of the world because I am sure there are few other countries in the world that are present a budget in which they are showing a comfortable surplus. In addition there are few, if any, countries in the world that are able to do the recurrent capital expenditures out of general revenue. Therefore, Mr. President, we should be very humble and thankful for what the good Lord has blessed us with and what has been achieved.

The public debt, Mr. President, at the present time stands at $7.8M. I would like to remind this House that in 1976 when we had a very small amount of revenue, when we had no reserves, the national debt at that time, Mr. President, stood at $2.1M. So everything that has been done and been accomplished since that time has been accomplished with borrowings of roughly $5M,000. Mr. President, that may not be the complete figure because interest has had to be paid on all of these loans during that time.

It is true, Mr. President, that we have a contingent liability in the form of the guarantee to Cayman Airways which all members of this House are conversant with. Cayman Airways was formed at a time when this country had gotten to the point of "you either sink" or "you swim". We accepted the challenge to swim. The Members will recall that when Cayman Airways, as we know it was formed the capital of C.A.L. had shrunk to the point of approximately $30,000. At that point $5MIM was borrowed and that is where we were able to put the airline together and have it running as today.

This has not been like a lot of other expenditures of Government because in other cases the Government has come up with 50% of the share capital that was needed and they borrowed the other 50% on very soft loans. This was not the case with Cayman Airways. Cayman Airways had to go out under public market and pay a very high rate of interest and it had to do it with all the money that was needed. It is a lot different when you are in business and your business is operating off of your own cash. It is a lot different when you have to borrow all the money and pay the debt service on it as we have done. Therefore it should not be alarming, Mr. President, that there is a loss in Cayman Airways because the interest rate has stood at around 20% for most of the time that we have been servicing this debt.

In addition to that, Mr. President, the Members should really realize that although there is a debt there are assets that will probably amount to nearly the amount of the debt. The assets are the planes. The intangible assets are the routes and what Cayman Airways has for the economy of this country. If it were not for Cayman Airways this country today would be like the Turks and Caicos Islands, or they would be like Belize where they have to put on their boots and buy somebody to come in and give them the service that they should be providing for their nationals.

HON. JAMES M. MONROY (CONTINUED): I say to every Member in this House tonight that I am sure there is no Member in this House that would really, although they may try to make good political hay, want to abandon Cayman Airways and get on their knees to a foreign carrier and beg them to come into this country and service it. If that were to happen, Mr. President, God have mercy on us. I do not believe that Members really feel that way.

But, Mr. President, if you take out Cayman Airways and just take the debt, which is the interest that stands at probably somewhere around CI$2.4 to CI$2M, and add that to the national debt there are enough measures to pay off both and everything that we have would then be free of debt. Maybe that is the way we should go gentlemen. We cannot provide for the country unless we take bold steps.

One Member, Mr. President, spoke about the slow-down in the condominium building and that no more were needed, Mr. President, this is complete rubbish and I will deal with quotables on that in a few minutes. But the condominium market is very beneficial to this country. It is beneficial to the direct revenue to Government. It is beneficial in the area that the condominiums do not require the amount of labour once they are built that an hotel needs. And if we build a 200 room hotel in the Cayman Islands we must look for 250 people to be employed in that. And, Mr. President, where are we going to find and people in our local sector and still have the economy going? It means we must bring in approximately 250 to 300 more people and when we do that and run them in the hotel the hotel is the main contact between the tourist and the people, and there is where the Cayman element in the hotel industry, Mr. President, we are looking for trouble. So the condominiums are the best thing to do. They are providing the space for the tourists. Each condominium in this country that is sold in this country yields Government approximately $20,000 in tax, direct tax. If we build an hotel under the hotel Aids Law we may get $65 duty. This may sound funny to you as an argument coming from the Member in charge of tourism and you will probably be saying that I am against the hotel business. I am not against the hotel business, but I am against creating an element in this country which you and I both do not want and should not tolerate.

Even at the rate that the condominiums have been built in this country there are still only between 200 and 250 that are changing hands each year. You assure that with what we budget for tourism this year. We project 220,000 visitors next year in 1992 and you are telling me that from 220,000 visitors (and they big 200 condominiums) we should slow down the economy. The economy must never be slowed down. It must be the natural elements of economics that will slow the economy down, not an action of a politician. That has been tried in this country and that was why the Treasury was bankrupt in 1979 because of man-made political restrictions.

One Member commented that the increase in realistic revenue for 1992 over 1991 was only 6% and was worried about the inflation and that the increase would be taken up by inflation. We project 9%, we probably will be as lucky as we were in 1991, and that 3% will probably grow to 5%. The Honourable Financial Secretary has told me that the projected inflation for 1992 will be around 7%, maybe less, so we sort of balance it off. So we should not worry, we can make our own inflation as well as we can make our own recession. And if we listen to the pessimists, particularly some of them in this House, we are building our own recession. One Member stated that it was alarming to know the large increase in recurrent expenditures of 16.3% and that this was not prudent.

Mr. President, I agree in savings in every area where we can make them and I have carefully gone through this presented budget with the Honourable Financial Secretary and every place that could have been pruned was pruned. But we must protect the society, we must build the

HON. JAMES M. BODDEN (continuing): infrastructure that is necessary to go along with the private community. If we fail in that how will we even service what we are trying to do in this country with the banking business, the insurance business and everything else? We are catering to these people and we have to take bodies into the Government service to deal with the problems that are encountered day by day. There is no use, Mr. President, looking for a truck driver after we brought the truck which has been sitting out under the shed for six months rusting. We should at least have the truck driver at the same time the truck is bought. It is a very simple thing to look at.

In addition to that, Mr. President, I would not want to pre-empt what may happen, but it is quite possible that we will be faced with a salary increase of probably 8% or 9%, somewhere around there, and everyone knows that these salaries have to be increased to keep up with the inflation factor in the country. Therefore it has to be provided for in the budget and it can only come under unforseen. We probably cannot put that under capital expenditure.

There has been much comment recently concerning the airline service between Grand Cayman and the Lesser Islands. I too will agree that the Lesser Islands should have a similar type of service as we have. But, we must never lose sight of one fact. The service between Grand Cayman and the Lesser Islands is what is known as a domestic service and any country in the world protects its domestic service. Why should we not protect ours? But this is not the only answer to it, Mr. President, we have more problems than that and we have problems that have been created that could be very detrimental to the future of this country and as long as I am responsible for the portfolio which I hold my responsibility lies to the people and not to any one individual. Therefore, until we are satisfied there will not be much difference from the way it is now.

Cayman Airways plans to put in a similar service into the Lesser Islands. I have assured the Members that the freight problems will be dealt with and will be dealt with properly. But, we are never going to take a step that will be detrimental to this country. The Lesser Islands, Mr. President, have gotten their fair share of all the revenue of this country for the last five years. We attended to that immediately we took over in 1977 and we helped to create areas of employment to where the people, who had to leave their homes in Cayman Brac and come to Grand Cayman and rent in this country to provide their family with a living, were able to go back to Cayman Brac and find good jobs. We have not in any way neglected the Lesser Islands. For certain they have received much more than Grand Cayman.

I would welcome the shrimp farming that I understand has begun in Cayman Brac. I am very hopeful that it will be a tremendous success and I think that I can say safely that this Government will pledge to give it any support that is necessary. But, I would have to enquire that at this point, Mr. President, with the Cayman Turtle Farm which has faced many problems. Problems which were not of its own making, but problems which came to us from abroad in the same manner it has come, and is coming, to us in the field of civil aviation. Much money has been spent on that farm by private investors, the Government has some money into it too, but that farm was an enjoyment to the economy of the Cayman Islands as tourist visitors was to the United States. The closing of that farm really economically means almost the same thing with regard to the input into this country.

Besides that, Mr. President, it is the only turtle farm of its kind in the world. It is a good tourist attraction and we should be very proud that the investors who have lost millions of dollars thought enough of the Cayman Islands to establish the first turtle farm in the history of the world, in the Cayman Islands. Therefore, it deserves the support of this Government and it means that we must do whatever is necessary to help it.

HON. JAMES M. BODDEN (INTERPRETER): I agree, Mr. President, with my honourable colleague from Cayman Brac when he said that the Cayman Islands should in future be known as the United Kingdom Associated Element, and I would like it, if at all possible, if we could have it that it be so declared. I think you have earned at least that much. I am sorry we can give you no further honour than that, Mr. President.

One Member, Mr. President, spoke about our industry and trade representation abroad, one in London and one in Washington, D.C.. It is very beneficial to us, Mr. President, to have them because they are in two of the largest capitals of the free world, the most important capitals of the free world and they have done a lot. I spoke in this House once before on that and I said then that they are like plantings seeds and you gave it time to sprout and you gave it time to grow. Unfortunately, Mr. President, at this point I do not think it would be in the best interest of this Government for me to identify some particular detail, etc. by step, what has been done in the field by these two gentlemen. But I can assure and I can assure the Members that the money has been spent wisely.

Mr. President, in my opinion we have gotten to the point in the development of this industry that we are no more children or also children, but we have now come to manhood. Therefore I measure what is done for us by the representations of the U.K. in Washington. I measure what is done for us in the F.C.O. in London, but the same token, Mr. President, I think we have developed far enough that we can start doing a little bit ourselves instead of going on bended knee and begging that these people do something on our behalf. Let us go and seek it out, let us go to it.

As an aside to that, Mr. President, I was advised this morning by the Chief of Police, that Cayman citizens coming into the United States through the port of Miami are no longer having to go through Customs and stand in long lines, long waiting periods as they did before. It was announced about a week ago. The only Caymanian who will be held up by the Customs in Miami are those who have criminal records or who are known dope runners, and they should be held up. That was not accomplished, Mr. President, just because Washington itself thought it was beneficial to the Cayman Islands. It took a lot of preaching to do that and there are some of the accomplishments that we can do and a lot of times it might not be so noticeable. But to our tourism and to the morale of our country travelling abroad this is very important.

One Member spoke on the increased tax on the tobacco items and said that this was a thin edge of the wedge for further taxation and that unless items for sale in the duty-free shops in the Cayman Islands were 20% less than in other places people would not purchase. Mr. President, if they are selling for 25% they are not making money. That is not the entire thing that brings the tourist to the Cayman Islands. And we have thought about this many times before we took the step that was taken. But again if we are wrong we are man enough to come back into this House and admit it and say let us take it off again as we have done on the chickens and the eggs and this and that and the other in the past.

Mr. President, I do not know how many items are duty-free with regards to the duty-free shops. There are probably about fifty, maybe more. The objects, I think, about 6 items as we can until a duty-free area. We have only put it on in the areas where we think it should be, in the areas where the wealthy people usually buy and that is as more than right. If they were living in the United States they would pay the luxury tax. We have not called it the luxury tax, we call it the import duty tax.

Now, Mr. President, I get to a touchy point, Caribbean Utilities, which I have debated more times in this House than I have fingers and toes and which I have always said, and it was spoken,

HON. JAMES M. MORRIS (CONTINUING): that it was our commitment to the country with regards to the rates we were paying. I still say that today. That is why with my colleagues a few years ago we did everything we could to try to get to a firm established rate base for Caribbean Utilities. Caribbean Utilities operates under a franchise which was given by this Government. The franchise runs for twenty years and it has an automatic twenty year renewal. So we are looking at a long time span in the world. But any country in the world that operates under a franchise given by the Government and in a monopoly should have controls imposed on it. And this we tried to do with Caribbean Utilities.

Caribbean Utilities rates at sometimes in the past have given them a net return of over 30% each year. This is a public utility which every Tom, Dick and Harry in this country has to pay for and then you tell us we must leave them alone with a free-hand. No, we must not leave them alone with a free-hand. We are the representatives duly elected by the people of this country to protect them and we would be shirking our responsibility if we did not come to grips with this. And I will tell this House, I do not need to tell you really again because each of you in the House have gotten the memorandum that I put out, Caribbean Utilities kicked this Government in the face. They did not come and work until they could get an agreement on the rate increase. They unilaterally did it themselves and then expected us to take it. That is an insult to me, it is an insult to the Government and that is the way I view it. Therefore I pushed to try to get some account figures. The firm of Price Waterhouse was employed to do it. I think some Member asked what it was going to cost. Well in my opinion if it takes all the resources we have to establish a rate base that is correct for the people of this country then we spend the resources.

And I am only sorry for one thing, Mr. President, and you know I pushed for this, there should have been a court injunction, in my opinion, against Caribbean Utilities when they unilaterally did what they did. And I did send out a paper and said well if you cannot come to grips with them any other way, you cannot come to grips with them with an injunction, then nationalize them. This is the last thing in the world I would like to see happen in this country because I believe too much in free enterprise. I have no communistic or socialistic tendencies in my body at all, but, Mr. President, when it comes to something like this our people must be protected; the country must be protected, the economy must be protected and not just one group of people allowed to rape it.

I am not a mad dog, Mr. President, and I would like to know which Member of this House that received my memorandum had it typed, or typed it themselves, and circulated it out to prominent people in this community. If I am a mad dog, Mr. President, I have been a very mild one. But my day will not end until the good Lord and Mrs. Old Reaper stands aside me, it will not be by what some other people say. I would like to just add an aside to that, Mr. President, that it was very professionally typed and on a very good typewriter.

Now we come to the confidential part of the Budget, Mr. President, the Cayman Islands News Bureau and the Cayman Islands Information Centre. I think I can sense some of the opposition to this and where it is coming from and what is coming about because I believe it was because it came from under my budget in the first place. But I am not afraid to defend that. I am not afraid to defend any action Cabinet have done. We must realise that we have come to the point in time when this is no longer a one-station out in the boondocks some place. We have grown out of short pants, Mr. President, and we have grown into long ones and I do not know whether it is going to cost more than $100,000 for the Cayman Information Service next year or not. I really do not know, I do not remember. But I can assure the Members if it is under Mr. Foster's budget at the present time, then that must be all we are going pay because there is none coming out of my budget which includes the tourism side of it.

HON. JAMES M. HUTCHINGS (CONTINUING): But how can we expect, as we have done in the past, that one Ombudsman working part-time could keep up with what is going on in this Government and keep the flow of information to the public? It is ridiculous to think of such a thing. And when we have people of the stature of Mr. John Wayne who was a former U.S. ambassador working in this service, how can we really reject it in the manner we have now, or some Members have done? They have talked about the control and the confidentiality. Well, as far as I know Mr. Foster is quite capable of controlling the Tax Bureau. I know I have been quite capable of controlling my sector of it. And as to the confidentiality, I do not think you have to worry about that either. I think the only way we have to worry about that, Mr. President, is in the motion that we put to this House some time ago when only two or three Members stood up with the complete file with the confidential letters in it.

While I am on that subject, Mr. President, I would just like to read to this House some of the things that have been said about the Tax Bureau. By the way one Member I think today said that we had gained so much in tourism in the last four years or five years and if one lady working half time could do that then we did not need anything else. Well I can assure you it took money, many people working full-time rather than one working part-time to accomplish what was done in tourism in the last five years. But a prominent Los Angeles magazine recently said, "A place such as the Cayman Islands necessarily uses the most sophisticated, multinational techniques to be encountered anywhere in advertising and promotion. The Bureau even uses a computer memory bank that identifies the most productive travel agents in the U.S.A.". Mr. John Keller, who is president of the New York based Caribbean Holidays, praised the Cayman Islands in the following letter: "That this is an excellent example of professionalism and integrity in promoting this colony as an all-around tourist destination. The combined sales scheme you now have are one of the most integrated and professional examples of positive teamwork in the Caribbean. In 1982 I will send to the Cayman Islands about 10,000 tourist business. This is just the kind package support and free and American airlines or other commitments about here. This is no accident and your booming arrivals are no coincidence. It is a result of planning and professionalism which has been the trademark of the Cayman Islands. The ad campaign used in the U.S.A. tells it straight and I cannot praise your marketing team enough for maintaining the attitudes present in this country. We have confidence in marketing the Cayman Islands and we are enthusiastic. With the kind of hard work that the Cayman sales' teams have earned a reputation for I am confident you can overcome any problems. The Cayman Islands have one of the most integrated and close knit group in sales and promotion team that I have ever encountered in my many years involved in tourism in the Caribbean. You have a national flag carrier which to day has achieved a high degree of creditability. I want you to know that the Cayman Islands Tax Bureau is recognized as a public relations one of the Cayman sales team which provides an invaluable service to these Islands. It has integrity in presenting the character image with facts about these Islands. The Tax Bureau has provided us all with an opportunity to play the clipping 'n file of 1981. The advertising agency of a destination should not say something that the public relations can't back us with facts. Cayman Airways is a key ingredient in your sales team. No country in the world has achieved the creditability the Cayman Islands has achieved in such a short time.".

That is what we are told. That is what people think of us and we did not achieve that, Mr. President, by sitting and standing our fingers nails.

This is a disturbing fact at the present time, Mr. President, because when we get to Finance Committee I will move, and I hope that the rest of my colleagues will back it, that the first item we shall put in for a vote will be the vote for the Cayman Islands Information Service. And I think, as we have discussed during the break, that certain of

*HON. JAMES M. HUTCHINGS (CONTINUED):* ... Members are in the order where we are ready to say that if that is not passed then we will only pass the permanent expenditure and you can bring the rest of the Government on the Supp. Est. That is a hard thing to say, but, Mr. President, when a Government is entrusted to take on the responsibility of representing the people it has to have certain latitudes. It is always reasonable for the public, but we take on and make many, many decisions, we make them with a reason. Now, if the Education Department were out and hires ten teachers on contract for two years and between now Easter may think he was not acquainted with it and that he was this or that on the other, are we going to send those ten people back and say then the money for the two years of the contract? No, we come in here, we pass it is needed for the country and we back it and we vote the money.

It is about time that the political Leaders of the Cayman Islands Home Service were viewed into a corner and left there. We have a couple of other matters now to be and that is, Mr. President we are having a motion back to the Arm House to deal with it. The Caribbean Union, Mr. President, is that if we have a life and if we continue to have a life on this matter then I would say that your hands and the Government's hands are restricted as to the management and control of this country and then we should come to the point where we should ask for national elections again. Because, Mr. President, most of us quite well know that the results of the 1960 election was an accident. I am not afraid to say that because it was. It was an accident because of late harvesting that we were not aware of and which, at the time, could not be corrected in the time frame that was allowable to us. Therefore the people voted for certain candidates thinking they were supporting a certain group. That is what I said was a freak and that was where the accident of the 1960 election came in.

*HON. PRESIDENT:* I will have to interrupt the Honourable Member at this stage, but he can continue tomorrow.

ADJOURNMENT

*HON. O. P. FOSTER:* Mr. President, I move the adjournment of this House until 10:00 a.m., tomorrow, Sir.

*MR. SPEAKER:* The question is that this House be now adjourned.

*QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., THURSDAY THE 26TH NOVEMBER, 1981.*

BUDGET SESSION AND
FIFTH MEETING OF THE (1985) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON THURSDAY, 26TH MARCH

CLERK: MRS

HIS EXCELLENCY THE GOVERNOR, MR THOMAS RUSSELL, CMG, OBE - PRESIDENT

GOVERNMENT MEMBERS

HON D H FOSTER, OBE, JP — FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS

HON D H PATRICK, CBE, JP — SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION

HON P G JOHNSON, CPS, JP — THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT

HON JOHN D MCLEAN — MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES

HON STEPHEN M DONIHA — MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES

HON JAMES M SODDEN — MEMBER FOR TOURISM, CIVIL AVIATION AND TRADE

HON O HALO RODDEN — MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CAPSTICK SMITH — FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY

MR I DALMAIN EDWARDS — SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY

MR DENNIS J EDWARDS — THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY

MR W NORMAN RODDEN, MBE — FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF CAYMAN BRAC

MISS ANNIE BULGIN RODDEN, OBE — THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF CAYMAN BRAC

CAPT CHARLES L MCCONNELL — FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS

CAPT MERRY E MCCONNELL — SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS

MR STANHOPE MILLER, JP — ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

SIXTH DAY

THURSDAY, 26TH NOVEMBER, 1981

1. GOVERNMENT BUSINESS:-

THE APPROPRIATION (1982) BILL, 1981 (SECOND READING)

CONTINUATION OF THE DEBATE ON THE BUDGET ADDRESS

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THURSDAY, 26TH NOVEMBER, 1981

10:00 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

CONTINUATION OF THE DEBATE ON THE BUDGET ADDRESS

HON. JAMES M. RODDEN (CONTINUING): Mr. President, fellow Members, in spite of the dire predictions in the North American press, in particular with regards to tourism, the Cayman Islands continue to enjoy a fair share of the travel business. And this year will be one of growth, but not as much as we expected. 1982 may continue in the same trend although we have it will not. It will mean much more work in order to continue to increase the year-by-year growth that we have been experiencing. By the same token it will also mean that we will have to continue our diversified type of advertising and promotion to get at all areas, particularly on the North American continent.

I would like, at this point, to give a few statistics with regards to tourism growth. In 1967 the air arrivals to this country were 10,478. In 1980 that had increased to 120,641. In 1968 by cruise ships we had 1,200. In 1980 we had 80,848. In 1969 we had 244 hotel rooms. Today, in 1980, we have 1,410. In 1969 the guest houses and condominiums were listed as 183. It is now listed at the end of 1980 at 1,420 and I imagine there has probably been a growth since that time of probably 200 more.

In 1977 the state in the United States from which we had the least arrivals was Idaho with 0 and the highest, Florida with 10,837 and Texas, which at that time stood in about the number 4 position, with 2,496. In 1980 the lowest state continued to be Idaho with 33. The highest was Florida 17,673 and Texas with 13,357 standing in the number 2 position. This shows why it has been very important to us to have the airline route into Houston. That has opened up the American west coast for easy travel to the Cayman Islands. In 1980, with 120,241 arrivals, that represented an 85.32% growth over 1979 and in 1981 with the cruise ship arrivals standing at 79,500 it has shown an 84.44% and in 1982 the projected arrivals should give us, by cruise ships, 90.85% over 1981 because we have several large cruise ships that are scheduled to come into Cayman in the next year.

With regards to unemployment, in January 1979, the figure stood at 311. It now stands at 19. That 19 represents mainly the sector of the community that will never be employed. In 1982 we are asking for an appropriation of $2,261,482 (total) towards promotion of tourism. That figure also includes the expenditure of the London office which will now be representing western Europe. That means that on the projection of the amount of tourists projected for 1982 it will cost us approximately $10.30 for each one that we promote. In 1981 we spent about $8.20 per person. One of the big reasons for this increase is due to inflation and due to the high cost of advertising. In order to present the type of budget that we have presented, we have to pare down some areas in advertising and this could offset the 1982 tourism figures.

Ladies and gentlemen, it all boils down to one point – just how many tourists do we want and how much are we willing to spend to get them?

HON. JAMES M. NODDEN (CONTINUING): I gave a figure a while ago on the unemployment position. We do face a problem with the work force in that we do not have enough of our own people coming into the job market yearly. And these kids will have to be trained to fill the positions. They must get out of the feeling and they must be more ambitious and not believe that just being a Canadian is a passport to a future life.

The accommodation tax which has been put through this House with an increase from 5% to 6% should give us a surplus in the budget as presented of roughly $150,000 for next year instead of the $17,000 that is listed. The reason for that is that we took action on this bill after the figures were prepared in the budget that has been presented. I think the newspapers were a bit confused when they said that the school fees were to be used for the training of the youth and for the training school. That is incorrect. What we are trying to earmark would be the additional money from the hotel accommodation tax rather than the school fees. The hotels have requested that this tax should come into effect on May the 1st. Unfortunately, we have already planned that on 1st January the 1st and to try to make amendments on it this early I do not think would be a good idea. So I presume to recommend to the House that we leave it as it is to come into effect January the 1st.

Just one Member in his debate did touch on servicing the national debt. The national debt takes but very little money on percentage of the gross revenue of the country at this point to service it because borrowing has been restricted and income has been increased. It is an entirely different position than what was found in 1970 when, I think, at that point we were approaching very close to 10% of our revenue to service the national debt.

I would like, Mr. President, to compliment the Police Force. There are areas in which improvement can be made like there is in every sector of the community, but by and large I think they should be complimented because of nothing else the morale seems to have improved tremendously and it seems to me that the police are being looked upon more favourably in the community than they were before. I am glad to know that we are now able to train these young fellows here instead of sending them out.

A couple of Members spoke about meetings and being briefed on what is being done by the Government. It is true that between 1977 and 1980 this was done regularly, I think just about once a month. But we would like very much to work with all the Members, but it should also be understood that there are two different points of view with regards to the operation of Government and the direction in which the country will take. And it is sometimes difficult to divulge exactly what Government we claim when we do not know how it is going to be handled. And I refer to it by meaning this that if things could be discussed and kept within the group as we did before, we would probably attempt it and would be glad to. But if information that we do give out, which at that point is sort of a very confidential nature, is disagreed with them and in then brought back by questions in the floor of this House it will not be with the good grace that it will be accepted.

During the next year we have plans to build a new airport terminal. This is going to be very expensive, but it is something that we cannot delay any longer. We have tried to make do with the present one by spending some money making slight improvements, but it has outlived its usefulness.

The first part of the year, coming year God's willing, we have to implement the Housing bill which has been very remunerative. There is still quite a bit of legal work that has to be done with regards to this, but we do hope that it will fulfill what we hoped it would do.

I am glad to see that there is money in the budget for the Sports and Cultural Centre. This is needed very badly and I think we should do everything that we possibly can to promote it.

HON. JAMES M. BODDEN (1st Elected Member): I would like to go back once more and touch on Cayman Airways. Cayman Airways finds many problems. We are not only the only airline that is experiencing problems of that nature today. Most of us are familiar with Republic because it operates in here daily, and I understand that recently the staff of Republic have had to take a 10% drop in their wages in order for them not to lay off people. I further understand that they have also had to purchase a certain amount of stock in lieu of being cash for wages.

Now that is one of the big airlines of the United States. It ranks among the top ten. Besides that it is heavily subsidized by the American government and they have had to take steps of this nature to stay afloat, or to stay flying I would say, and thank God Cayman Airways has not yet gotten to that point. But, it is an unenviable problem because fuel prices have escalated tremendously although it is true that it somewhat has decreased, like Houston and Miami. But unfortunately here in Grand Cayman and in Kingston the rate for fuel still remains considerably high. Spare parts continue to cost us more and more money and we just have to capitalize them in order to keep the aeroplanes flying.

Now dealing with the losses of Cayman Airways I have just touched on a few areas of it, but one of the main reasons is that Cayman Airways has never been properly capitalized. It has but very little of cold in share capital. It means that the operation has to be serviced from operating revenue and when operating revenue is not able to meet it then it has had to fall back on the guarantee of the Government which, thank God, has come many times to the support. It has had problems from the inception with regards to accounting and anyone of us knows that you cannot run a proper business unless you have a proper accounting staff. When it operated, even up to date, Cayman Airways does not have as it has cost us a tremendous amount of money in auditing fees and it has cost us money unlimitedly in trying to computerise the operations of the airline. We have had many engine difficulties in the past year and a half. This has cost the airline somewhere in the neighbourhood of about $2M and this is a large chunk of money to have to pay out in just one area with the type of revenue that Cayman Airways earns.

Now in the report which has been tabled in this House, we find that there was a loss of $4M, and which could not be substantiated and had to be written off. And speaking lightly on these to put forward the point that the problems of Cayman Airways have been many, they are not just in one area. We have had to write-off $110,000 in bad debts. We had a potential loss of $400,000 in unutilised rejections but this money, thank God, has been I understand recovered. This was an error and it should have been caught before, but again I go back to my point where you do not have a proper accounting staff you have difficulties of this nature. I am in business and I have always been faced with the problem that I could not get proper operating staff. Therefore my business, like everyone else, has suffered because of that, because regardless of how tight a control you try to put in, regardless how tight the management is, if you do not have the proper accounting records then you do not know how to plan the problems day by day.

There has also been an amount of $200,000 in doubtful accounts for flown out that was underrated by $110,000 and this amount has had to be classified in the balance sheet. I think the last point that speaks for Cayman Airways and its staff is that in the notes of the report the auditors did say that there had been no evidence of any defalcation and that speaks highly of the staff and the people employed by Cayman Airways.

Mr. President, I would like very much to compliment some of the Departments heads and my staff in my portfolio. I find some of them to be very dedicated and hard working people although I am still faced with some square pegs in round holes. I would like, at this time, to pass on the holiday greetings to every Member of this House and to the population of the three Islands.

HON. JAMES M. DONALD (CAYMAN): I would also like to compliment Mr. Johnson for the message that has been delivered to this House by him. I would like to go on record as stating that he will be greatly missed by the people of this country and by this Government. I will deal with him later because I am hopeful, according to the date he said about his retirement, that there will be one additional meeting of this House at which he will be able to be present.

As for yourself, Mr. President, there is a lot I could say, but sometimes it is easier if you do not say things. I am very thankful that I do not have to stand in this House and address you in the manner I did your predecessor on his leaving. I think you have been everything that the Islands could look for. You will be greatly missed and my parting remarks at this point will be to you, Mr. President, that there are very few men in life I have ever gotten to respect because I always tend to find a lot of faults in people and I guess they find them in me. But, Mr. President, there was a famous poem which we learnt in school and it was really about the Commissioning of the Light Brigade and I would say that if you had been the colonel leading that and I had been the commissioner, I would have been riding along side you.

Thank you, Sir.

HON. V. O. JOHNSON: Mr. President, first of all I would like to thank all Members for their contribution in debating the Appropriation Bill as summarized in the Budget Address. I would also like to thank my honourable colleagues on the Government bench for dealing and clarifying certain matters which became questionable resulting from the Budget Address and the remarks made thereon.

Mr. President, the tributes that were paid to both you and myself were very gracious. I know that you will in time deal with your own case. In my own, Mr. President, I am really fearful of many of the honours that were thrown at me. If I had to reply to them all at this particular time, which would fall me to express my gratitude for those remarks.

Mr. President, in my Budget Address at page 30 I said that you would learn me after a number years in office as Governor of the Cayman Islands. I believe, Mr. President, that there is no other Governor, Administrator or Commissioner of whom one who has spent more time in the high office of the Government of this country than you have. That is saying a great deal to the individual and the consideration which was given by London. There was some suggestion that because certain Members did not support a request for the further extension of your stay that you were suddenly cut off and not considered for a further extension of your term. From what happened earlier this year, Mr. President, psychologically that would have been the view of Members, but on my visit to London in March this year I discussed at fairly senior level at F.C.O. the fact that both you and I would be extracted from the system of this Government at the same time and that this would serve to weaken the service and pleaded the case that London would perhaps see fit to consider extending your stay six months or a year after my departure. I was told, Mr. President, that London would have liked to do that, but from the fact that you had reached retiring age it was the rule of the British Civil Service that any officer whether the service requiring retaining one should vacate and leave the way for promotion of other officers. In fact I was told that this message was brought to your attention before the visit of Mr. Bacon in January.

I would therefore think, Mr. President, that whether or not Members had signed the request, whereas there was nothing that London could have done to accede to any such request. London assured me however Mr. President, that they would endeavour to replace you with a very able and experienced Governor.

Mr. President, there are a few points that I would like to clarify, although I know Members on the Government bench have

HON. V. H. JOHNSON (CONTINUING): mentioned an attempt to clarify a few things. The question of the French Tax amendment which will be brought in January was one and the Honourable Minister for Tourism, Aviation and Trade has just dealt with that. I know that it would have been the view of the Government members that the request of the Hotel Association be granted, but unfortunately because the law stood in it that the amendment would be effective on the 1st of January 1982, there is nothing that can be done about it at this stage unless we put forward an amendment to that law. Also there is the question of exactly when the amendment to the Customs Law became effective. The law was passed by this Honourable House last week Wednesday and on Thursday morning it came into operation after being assented to by the Governor. The problem is of the opinion that because the law was not gazetted on Thursday morning that it should not be in operation. The Legal Department have cleared this: once a law is assented to and there is no provision in it to become operative on any particular date, the law can be brought into effect any time after assent has been given to it. It was the view of this Government that for obvious reasons that particular law should become effective as early as possible after it received assent. Therefore it became operative on Thursday morning the 26th of November, 1981.

There are many laws, regulations, in which the date of operation is stated and in which it is stipulated that the measure or measures will become effective when published in the gazette. It was not so with the Customs (Amendment) Law.

Mr. President, the condition attached to the grant received by the Pearnact Youth Centre caused some worry from the Church over the statement in the Budget Address that said that the facilities, when completed, must be made available as well to churches of all other faiths throughout the Cayman Islands. Mr. President, the facilities should be made available to churches of other faiths in the Cayman Islands, yes, but it was the intention of Government that those churches or other churches in recognised Christian churches and denominations approved by the United Church. We do not accept that the Centre be opened to unbelievable groups. It would in fact defeat the object of supporting youth development in the country.

Mr. President, many remarks were made on the present trend of the economy here. I have no doubt and I am sure that this Legislature is also of the opinion that the Cayman Islands have been caught up in one of the most worrying periods in its history. We now that in the last two Budget Addresses what a pleasing economy was reported. Mr. President, on this occasion, although I said in the Budget Address that there may be a decline in inflation, there was perhaps a halt in the construction industry in the area of condominium development. There is no definite indication that a slight recession, if we choose to call it that, is of any long duration. In connection with this when Government's revenue is still flowing in quite well, when we are saying farewell to you, Mr. President, it would not be in the best interest to come here and scream murder over a recession when there is no real indication that there is a permanent decline. In other words the present situation, the present slight decline or fall cannot be maintained in real economic terms at this stage. It was always the policy of this Government not to cause or create alarm within the country. It is entirely up to this Honourable House if they wish to expand on matters on the negative side of things.

Mr. President, the Budget Address did not overlook the fact that there was a decline in inflation. For instance on the first page I said that account for slight ripples in the inflation picture, we think it is just a ripple.

Another suggestion was made, Mr. President, that the Government revenue was all caused from inflation. We here have always measured inflation (that is inflation affecting revenue) by only what is imported, and from reliable records, imported inflation into the country averages between 35 and 38 depending on the level of growth or approximately 1/3 of our local inflation. If imported inflation alone affects revenue then

HON. V. G. JOHNSON (CONTINUING): It can only afford import duty which is 40% of the total revenue of Government. Therefore this 6% rise in revenue would contain only approximately 2½% of inflation. So there has been a real growth in revenue of approximately 4%.

Mr. President, the Honourable Members on the Government bench commented on revenue and said that it was only to be said that the Government was able to create revenue and I agree with that statement entirely. The revenue here was of course that in earlier days, because the country was able to attract British development aid, it was a reminder of the British Government that aid would not be extended to countries that could create a reserve. And therefore in the earlier days the country had to utilise its income for capital development before applying to the British Government for assistance-in-aid.

In 1979, therefore, we learnt with concern that there was a very strong concern was made by the British Government to say that because of the size of economy created by the Cayman Islands, economy that was considered unstable, that the British Government should allow the Cayman Islands to create a reserve while at the same time receiving British aid. This was looked about between Development Division and London and eventually they came back and agreed with the appeal made by the Cayman Islands and agreed that our revenue surplus should not exceed the equivalent of three months' revenue collection. We immediately began to create a reserve and the purpose for which the reserve was created was satisfied in 1979 when Government experienced quite a setback in revenue coming from the recession. We had at that time, Mr. President, the equivalent of three months' revenue collection, equivalent in those days to £3M, and in one year that £3M was spent to supplement revenue.

So the concept behind the reserve became quite evident then. Since British aid was withdrawn in 1986 there was no obligation on this Government to limit its reserves and so revenue was met now to any figure and we are very thankful that it has reached quite a reasonable figure as was stated by the Honourable Members on this side. To have reserve, between revenue balance, we have quite a large sum in the kitty. And the gratifying thing about it is that we have the cash, the cash that represents that revenue.

Mr. President, in my Budget Address I made a glowing tribute to the Civil Service and hoped that the status they had obtained from a long time ago and which it still enjoys would be preserved. Ever since the mid-1970's I have been concerned over the growth of the Civil Service. I was concerned, Mr. President, because requests for additional and more staff are usually made without earnest administration examination. Those requests were demanded to be embodied in the budget; there was no indication with them stating the grounds and the reasons for those requests.

Just to my concern, Mr. President, in 1976 we had a total staff of 807. In 1978 this had grown to 870 or 1977 - it was roughly a period of five years. In 1987 the number increased to 1,800 or 51.30% in six years. Over the ten years the increase was 993%, Mr. President, I said that in mid-1979 I became concerned. In 1979 when I was presenting the 1979 Budget, or preparing it I should say, I looked at the staff requests before me which represented exactly 35% increase in staff and at that stage I became almost frantic. I immediately embarked three senior members of my portfolio to carry out an on-the-spot investigation of the various Departments requesting staff increases to see really from the point of view of the department, although we did not have the knowledge there to thoroughly examine these cases, whether in truth and in fact all this staff was required. The result of that investigation is that we cut the requests currently by half.

It was from those days, Mr. President, that I thought that the Government should attempt to have staff matters more orderly examined in. I am not disputing the fact that the Service is not

HON. V. C. JOHNSON (CONTINUING): growing - we can see that by my staff increase - but what I am concerned about is the method of obtaining these requests for increases and additional staff. It is the view that as staff numbers rise, natural falls and retrenchment lessens. As staff increases the recurrent expenditure increases. This is an area to be concerned about. It is all right in times of plenty when we can ignore these increases, but, Mr. President, we must also think of what will be the position in less fortunate times. It is difficult to cut staff once you have appointed them. Retrenchment would indicate almost disaster, therefore we must take every precaution, at all times, over the growth of staff.

Quite recently, Mr. President, the Civil Service Association became concerned about this too and they have requested Government to undertake an in-depth examination of the Departments because it is their view that some departments might be under-staffed while others may be carrying an excess of staff. I think too, Mr. President, that apart from examining the Civil Service there is a definite need at the present time to also think about staff administration. There is the need to strengthen this not just in new private undertakings, but it can improve the recruiting of staff, that it can put more emphasis on training of staff, that it can enable more assessment and evaluation of requests for staff increases. I trust, Mr. President, that in 1982 this area will receive appropriate attention.

I would like to say, Mr. President, because this may be the last opportunity I have of informing this Honourable House of the position at the present time. It is indeed the largest area of expenditure in Government. Staff will represent, in 1982, 32.7% of recurrent expenditure. Staff will cost, as it appears in the Draft Estimates, $79,844, plus say 2% cost of living in January which will be equivalent to $1.6M. We are talking about an expenditure of $81,438 out of a total recurrent expenditure of $248,700.

Mr. President, in any country when the cost of government staff rises above 25% of recurrent expenditure, one must give careful thought to the growth beyond this point. When it rises above 30% one must be concerned. When it is then put immediate action be undertaken to curb the trend, otherwise the Government will be headed for serious problems. We now have the ratio at now over 32%, nearly 33% of recurrent expenditure - I consider this a danger point and one which needs to be watched.

I hope, Mr. President, that before you leave some action will be taken to improve staff management and administration.

Mr. President, in June 1979 I was addressing the Chamber of Commerce and I said that Governments must be concerned about spending in the long term, for recurrent revenue on the system as operates at the present time has limitations in yields and unless new sources become available problems will arise.

Normally we were very successful in diversifying in the Insurance business. This certainly, Mr. President, will undoubtedly make quite an impression on the country's income for the future. However, concern must be still expressed for expenditure is growing rapidly and any decline in the economy, such as we saw it in 1979 to 1982, will have serious effects on the financial position of Government. I am not optimistic this; I hope it will not happen. We have quite a lot to protect; we have worked a heavy obligation as well.

The Honourable Fourth Elected Member of Executive Council quite rightly warned that every capital building project completed means growth in recurrent expenditure; growth in staff, maintenance and so on. It is therefore logical, Mr. President, that control is also necessary over capital expenditure of this nature.

Mr. President, I could not help hearing what the Honourable Second Elected Member of Executive Council said about an

Hon. T. G. Johnson (continuing): If I were a politician that I might have supported Government through my high spending policy, or words to that effect. Sometimes high spending policy is a good thing, but Mr. President, perhaps my spending policy was not at all times too well understood. It was never my intention of obstructing progress by applying financial restraint in my areas of Government, but one of my policies was "do not waste money".

I also noted the comments made by the Honourable member from Bonthside Glen in connection with the cutout of Bonnie View Gardens this did not amount to more than $28. I say, Mr. President, some people who have an income without working for it. I also believe, that it is a good policy never to deny a penny amount. I have found that these policies have worked well over the years.

Mr. President, coming to more personal things the Honourable First Elected Member for the Sister Islands suggested that I could be consulted in coming constitutions after my retirement. I hope, not yet reading just what I will do after my retirement, not that I am anxious to become too involved, but Mr. President, I may as I did when I was appointed Financial Secretary in the Service around a year (I might not spend as long as that this time) thinking on what I would do in those days I spent a year thinking on what the Cayman Islands should be.

Mr. President, now there is more out for this that I will be watching the trend of things in these islands and if at any time, in my view, there is reason to be concerned I will certainly make my views in the right direction. After spending thirty-six years in Government and I admit I enjoy so many of the vacations, it would be shameful to sit by and not voice my opinion publicly if never be seen on the horizon. Another point that I should make, Mr. President, is that the loyalty of the office I will keep in Government as the Hon. of Honor, ISOR will, I hope, continue to reflect in my activities in which I may become involved after my retirement.

Mr. President, I believe that the political stability of these Islands is one of the greatest assets the country owns today. Last Saturday morning I was addressing a Tax Seminar here it was well attended. The topic of the seminar was investing in and through the Cayman Islands and I was asked to speak on the financial status of the Cayman Islands as a tax haven. One of the subjects that I spoke on was political stability in the Cayman Islands and I said that our ocean policy stand, that is our United Kingdom constitutionally, is the key to our political stability and to international confidence in the Cayman Islands. I went on to say that we have to retain the present status quo for many years to come, in spite of external encouragement for the Cayman Islands to move forward constitutionally. I also said that the present position gives us the assurance of hope for the future and that it was my opinion that if constitutional changes were mooted here and became a visible issue, the people of these Islands would not approve any proposed changes. Mr. President, I hope that this view will in fact express the majority view of the people of these Islands. New ways for political parties here should, in my opinion, not be supported either.

We had political parties here in 1960 s. 1968 and they nearly ruined these Islands. They caused trouble not in Honor and created with Jamaican neighbours. And, Mr. President, the amazing thing about it is that in these political parties the names used with words like Christian and Democratic. Some people looked on it like creating people among nations. I would therefore not be one to advocate or support political parties in these Islands.

Mr. President, mention was made of perhaps the need for a regular meeting with the Treasury, but I am glad for that the Honourable fourth Elected Member of Executive Council alluded that in his remarks when he really touched the nail on the head. Various names are mooted / continual use account in the Treasury because of the lack of better identification of the accounts. I think that in future each account should be numbered / with the head of the householder named to it. At the present time anyone who

HON. V. C. JOHNSON (COCONUT GROVE): ...rose to say that amendment to be regarded as a basis to the account and therefore in meeting assessments there may be two or three persons who do not benefit. This is the reason why, Mr. President, earlier this year I had given order the appointment of assistant collectors in the districts who would be able to resolve many of these problems in the spot and ensure better collection of public funds. Unfortunately it was not accepted by Finance Committee.

...the Tax Collection Act allows for the appointment of persons to assist in the collection of taxes and this is how the system intended to become known. What is of concern to me, Mr. President, is that the present system will not ensure maximum collection of public monies because I would say that the majority of the people will not come forward even after the assessment has been issued to settle their accounts. Yes, you will get those who are affected by an increase quickly coming to the Treasury and finding out the staff and others, but we never hear about those thousands who do not come forward.

Mr. President, in the days when my office was established in the Treasury between 1963 and 1969 I collected a larger portion of taxes throughout the Islands. I had to do it by sending hundreds of people to work. After I left the Treasury unfortunately this policy was not followed and as a result the public has become very lax in its obligation to come forward and pay.

Mr. President, on a whole I think this has been a very pleasant meeting so far. There were a few issues arising in the debate on the Budget Address which perhaps resulted in some unpleasantness on both sides. Family ties and loyalties are highly valuable. Since we are not all of the same mind or thinking, differences of opinion are bound to arise. One thing for certain that is that controversial subjects are like a certain which will unfold themselves in time then the public will be the best judge of the particular issues.

The outcome of tonight must be, however, that we do not leave at the end of a Meeting with animosity against each other for what was said. We in the Constitution like running clouds.

Mr. President, we will return to it about time to Finance Committee. It is to stand that the meeting will start on Monday morning at 9:00 o'clock. We will go there to continue our task of examining the Budget and I look forward to a pleasant and useful sitting.

Mr. President, I recommend the Second Reading of the Immunization (Amendment) Bill, 2001. I also recommend that an acceptance of the Motion that the Bill be referred to the Standing Finance Committee be dealt with accordingly to regular procedure as set out under the Standing Orders of this Assembly.

I think all Members agree that the meeting should start on Monday morning and I so move it, Mr. President. Thank you.

MR. SPEAKER: The question is that a Bill entitled "The Appropriation (1992) Bill, 1991" be read a second time.

QUESTION PUT: AGREED. THE HOUSE RESOLVED IN FINANCE COMMITTEE WHICH WILL MEET AT 9:00 O'CLOCK ON MONDAY MORNING.

## ADJOURNMENT

MOVED BY THE HONOURABLE D. V. FOSTER, QBE, JP.

QUESTION PUT: AGREED. THAT AT 7:25 P.M. THE HOUSE ADJOURNED UNTIL A DATE TO BE FIXED FOR THE PURPOSE OF MEETING AS AT THE CONCLUSION OF FINANCE COMMITTEE.

BUDGET SESSION AND
FIFTH MEETING OF THE (1981) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON THURSDAY, 3RD DECEMBER,
1981

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, SIR THOMAS PAKENHAM, KBE, CMG - PRESIDING

GOVERNMENT MEMBERS

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| HON D J PEARCE, OBE, JP | MINISTER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS |
| HON C W MORRISON, OBE, QC | SPECIAL PORTFOLIO MINISTER RESPONSIBLE FOR LEGAL ADMINISTRATION |
| HON F G JOHNSON, CBE, JP | SPECIAL PORTFOLIO MINISTER RESPONSIBLE FOR FINANCE & DEVELOPMENT |
| HON JOHN E MCLEAN | MINISTER FOR AGRICULTURE LANDS AND NATURAL RESOURCES |
| HON THOMAS H DONOVAN | MINISTER FOR HEALTH EDUCATION AND SOCIAL SERVICES |
| * HON JAMES M BRYDEN | MINISTER FOR TOURISM, CIVIL AVIATION AND TRADE |
| HON C HILDA HARPER | MINISTER FOR COMMUNICATIONS AND WORKS |

ELECTED MEMBERS

| | |
|---|---|
| MR J CARLTON SMITH | FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| ** MR T RALPH POWERY | SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR PERCY O EDWARD | THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY |
| MR W NORMAN WALKER, MBE | FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| MISS ANNIE HILDA HARPER, OBE | THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN |
| CAPT ROLAND T KIRKCONNELL | FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| CAPT MARIE E KIRKCONNELL | SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS |
| MR CRINNION MCLEAN, JP | ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE |

* Arrived at 10:25 a.m.
** Absent

ORDER OF THE DAY
SEVENTH DAY
3RD DECEMBER, 1981

1. REPORT OF THE FINANCE COMMITTEE (Meetings 30th November & 1st December 1981) ON THE APPROPRIATION (1982) BILL, 1981 (NO DRAFT ESTIMATES

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, V G JOHNSON, CBE, JP.

2. GOVERNMENT BUSINESS:-

BILLS:-

(i) The Traffic (Amendment) (No.2) Bill, 1981
(SECOND READING - COMMITTEE STAGE - THIRD READING)

(ii) The Appropriation (1982) Bill, 1981
(THIRD READING)

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THURSDAY, 3RD DECEMBER, 1981

10:09 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.

REPORT OF THE FINANCE COMMITTEE ON THE APPROPRIATION (1982) BILL, 1981 AND DRAFT ESTIMATES - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, the Draft Estimates for 1982 and the Appropriation (1982) Bill, 1981 were referred to the Standing Finance Committee for examination, and I have pleasure in presenting the report of Finance Committee on these matters.

Meetings were held on two days, Mr. President, the 30th of November and the 1st of December. The total time spent in these meetings was approximately six hours, and it is considered so far the record time for the conclusion of examination of Estimates and the Appropriation Bill.

A number of amendments were made, Mr. President, to both revenue and expenditure, and the details of this I will deal with shortly.

The 1982 estimated surplus of revenue over expenditure estimated at $17,886 producing a balanced budget within the year's operation, was reduced to a sum of $113.00. The Committee at all times bore in mind the need to continue presenting a balanced budget for the year.

During the course of the meeting, Mr. President, there was a fairly strong move to reject the vote of $158,620 which was later increased by the sum of $67,630 to a total of $220,150 under Head 2 Administration Internal and External Affairs relating to the specific item of expenditure, Government Information Service. As a result of this strong view, a minority report is also submitted setting out the grounds for the objection, and I will also deal with this at a later stage.

Revenue Mr. President, was re-examined in the light of the new measures presented, and in the light of the need to increase expenditures in certain areas. The ordinary revenue, which was recommended at $20,884,428 plus new measures amounting to $3,500,000 were further increased by a sum of $340,000 bringing the new total to $24,724,428.

The areas which were increased are, one Tourist Accommodation Tax $100,000. This, Mr. President, was only incorporating in the revenue for 1982, the 1% increase recommended earlier in this Honourable House, because the Bill was considered at a late stage, the sum was not included in the total new measures amounting to $3.65 million.

Another area was Customs $120,000. This was on the grounds of the new measures presented and re-calculated; it was found that they could produce an additional $720,000.

And the third item of revenue which was increased, is Contributions, and this related to contributions from the Port Authority. In re-examining the proposed contribution for 1982, it was discovered that the sum could be increased by this amount. These three areas produced additional revenue of $340,000.

On the expenditure side, Mr. President, there was the increase under Government Information Service by $67,630. This was brought about by just a pure and simple error in calculating the amount as stated on the agreement between Government and the Cayman Island Radio Bureau. This increased the Head 2 Administration, Internal and External affairs from $309,466 to $379,096.

HON. V.S. JOHNSON (CONTINUING): The next Head, Mr. President, was that of Finance and Development. Amendment was made to provide for an interest-free loan to the Wesleyan Academy School which is now being built, a sum of $62,000 was recommended. The terms will be agreed on before the funds are released. There is a possibility, Mr. President, that the Canadian Aid might consider a contribution towards that project. Communication was just received from the Canadian High Commissioner which indicated that they approved two projects under the 1981-82 aid scheme, one is the proposed South Sanitary contribution, and the other is a contribution to Agricultural development for the purchase of a piece of equipment. There is also a possibility that the project to purchase equipment for the Handicap School will be considered but additional information is required.

The other projects: aid to the Cayman Brac Port project, and Health project equipment were not considered because as the commission said these are ongoing projects and would not very well fall within the criteria of their aid distribution. We must therefore find other projects, and every attempt is now being made to identify new areas whether within the Government or within the private sector, and this is important because the aid year ends on the 31st of March next year, therefore we do not have very much time to look around for new projects. The Wesleyan School will be recommended as one of the projects and if a donation is made to that project then Government's loan will be decreased accordingly.

The other area of increase under Finance and Development, was to provide $30,238 for the up-grading of the audit section of that portfolio. The proposal, Mr. President, is to convert the internal audit section into a general audit department, headed by an Auditor General. For various reasons, some of which I would not care to mention publicly, Government is now of the opinion that it would be well advised to establish within the systems of Government, an Auditor General department. For one thing the systems of Government are now improving, automation of accounts will soon be undertaken, and it is wise at this stage to look at the audit system of Government, and gear it to this new development. It was therefore agreed that this reorganization of the audit system take place as early as possible in the new year.

The total amount under Finance was therefore $30,238 and it increased the sum under Head 10, Finance and Development $4,515,371 to $4,935,609.

The next Head, Mr. President, is Head 16, Personal Health Services; this was an unfortunate error, typographical error, in bringing forward the personal emolument figures to the summary. It was short-stated by $340,000. The adjustment now made increasing the total provision under Head 16, Personal Health Service from $3,190,692 to $3,436,892.

The next Head is 17 Administration, Communications, and Works. That Head was increased by $93,676. The reason for this, Mr. President, is that the Government has now established a service within that portfolio to study water and sewerage, with the intention of eventually implementing the services. The Committee, as I mentioned in the Budget Address, was established, chaired by the hon. Member responsible for that portfolio, and recently an appointment was made of a manager for the scheme. The post of manager is important, Mr. President, because while the committee can deal with certain aspects of the study and obtain policy decisions from Government it must have a working arrangement to continue liaison to marshal studies and other necessary services moving on to implementation of the schemes. The estimate for this service was not produced until after the budget was prepared and so submission was made for inclusion in the estimate of the sum of $93,676 which represents salaries $46,976 and other charges $17,000.

HON. V. G. JOHNSON (CONTINUING): Head 27 Administration, Communications and Works was therefore increased from $81,125 to $144,271.

New Services, the amount for New Services of $842,378 was increased by $6,834 to $850,212. That sum of $6,834, Mr. President, is pronounced under Supernumerary, Principal Secretaries and it involved the shifting of Principal Secretaries early in the new year due to certain changes to take place in the administration.

Another area in New Services which was amended, not affecting expenditure, is the provision for the posts of Assistant Chief Immigration Officer. This was amended to one Deputy Chief Immigration Officer and one Assistant Chief Immigration Officer, which will now result in two posts of Deputy Chief Immigration Officer. It was understood that this had the clearing of the administration.

The last Head No. 40; Development. That head is broken down into four sections. One dealing with expenditure charged to Local Funds, the other, expenditures charged to Loan Funds, other, expenditure, financed from Overseas Development Fund and the last expenditure, financed under Canadian Aid.

The first one: Expenditure provided under Local Funds. The only change made under that Head, Mr. President, is regarding Sub-Head 17, Construction of Roads, Grand Cayman. It was found necessary in order to reduce expenditure for a balanced budget, to reduce that item by $110,000. The amount of $7,048,000 is therefore reduced by $110,000. And the total sum of $10,604,150 is therefore now $10,494,156.

There were a few notations and adjustments made under that particular section of Capital Development, Mr. President, Item 15 Sea-wall was amended in the explanatory note to include other areas other than just the one which was mentioned. Item 21 Improvement of Harbours was also amended in the Explanatory Note so to include markings of channels. Under Head 23 Medical Facilities, the amount allocated was reduced by $10 in order to provide a token provision under Item 40 Government House extension, and this token figure of $10 is to provide for the improvement of playground around Government House.

Mr. President, those were all the amendments to the expenditure section of the Estimates. The increase amounted to $467,772. The reduction of $110,000 under Head 40 reduced the total increase from $467,772 to $357,772. The Financial Statement was then amended and basically, those are the figures which produced the net surplus balance of $118. The surplus balance which was originally shown for 1982, as $17,486, is added to the additional revenue of $340,000 producing $357,486 less additional expenditure of $357,772 net difference $118.

Mr. President, the Minority Report. The Minority Report, Mr. President, is attached to the main Report and the five members who signed that Minority Report, stated that while they agreed that it is time that the Government Information Service should be up-graded to provide increased dissemination of information to the public, they saw no reason why the Cayman Islands Government should not have up-graded the service or the system within the civil service rather than employing an outside private company. The five members also contend that had this function been up-graded, within the civil service, Government would have realized substantial savings and at the same time maintained complete control over the operation. They also observed a duplication of functions and responsibilities already covered by an earlier agreement signed between the Department of Tourism Aviation and Trade on the 22nd of December, 1980. Another concern, Mr. President was that there is no cancellation clause contained in the present agreement which the members considered an oversight.

Mr. President, other than this difference of opinion over the new arrangements with the Cayman Islands News Bureau to operate the Government Information Service, there was a most pleasant and cordial atmosphere at the two days meeting.

HON. V.G. JOHNSON (CONTINUING): I should say too, that what made the session also a most memorable one, was the very appetizing lunches provided by Miss Mary of the staff of the Legislative Assembly. Lunch was served on both days, and I think all members enjoyed it. Apart from preparing such good food, Miss Mary's efficient service in this building is well recognized by all the Members, and this led Finance Committee to approve a personal allowance to her of $80.00 per month.

Mr. President, I want to personally thank all the Hon. Members for dealing with the 1982 budget so expeditously. It is yet another indication of the strong financial administration of this country, an administration where members take no time for petty and irresponsible issues. They understand well, the need of Government, the need of the services of Government, and they go about their business in dealing with these issues in a very able and professional manner.

Mr. President, at this stage I would beg to lay on the table of this Honourable House, the report of Finance Committee covering the meetings held on the 30th November and the 1st December covering the examination of the Estimates of Revenue and Expenditure for 1982 and the Appropriation (1982) Bill 1981.

Thank you, Sir.

MR. PRESIDENT: The report of the Standing Finance Committee is ordered to lie on the table, the Bill stands committed for third reading at a later stage.

## THE TRAFFIC (AMENDMENT) BILL (NO. 2) 1981

CLERK: The Traffic (Amendment) Bill (No. 2) 1981

HON. H. RAY HUDSON: Mr. President, I move the second reading of a Bill entitled "The Bill for a Law to amend The Traffic Law, Law 16 of 1978." This amending Bill, seeks to improve the problem or remedy the problems of vehicles being left on the road. The Law as it now stands makes provision for a vehicle to be driven away or towed away by a Police Officer. Every day, we get complaints about cars that have been burnt out, and remain on the roads for weeks at a time, before they are picked up. We get complaints about cars that are wrecked, and some of them remain at blind corners for many days before they are removed. The most motor vehicle accidents occur at these blind corners, and there is always a complaint that the Police are not removing the vehicles.

There is also the instance of illegal parking. But without the amending Bill, these vehicles could be removed. The Law as it was passed in 1978, makes provision in section 84 for the constable to drive away or tow away any vehicle that has been abandoned, parked in an unlawful or unsafe manner, or left in such a condition as to constitute a danger or a vehicle that has been involved in an accident. The two amendments to the Bill, do not introduce any new ideas or any revolutionary ideas, in the Traffic Law. The amendments are consistent with existing provisions in the Law. The first amendment makes it an offense to leave a vehicle on the road so as to cause unnecessary obstruction or danger. Apparently, in the old law, if a burnt out vehicle was left on the road it was not easy to get a conviction against the owner and I can remember cars remaining, (there was one burnt one on the North Side road), for over a month before it was picked up, and of course this section 84 is the section that deals with offences that can be dealt with by traffic tickets. But the major amendment to the Bill or to the Law, is the amendment to section 84.

HON. G. LAIG BODDEN (CONTINUING): The amendment to section (a) to section 24 (a) will allow, or will give the authority to the Police to store the vehicle at any other place other than a Vehicle pound.

The law as it now stands, requires the vehicle to be towed to the Police Station or the Police pound and kept there. This amendment will allow the vehicle to be towed to the Police pound or to any other place, that the Commissioner may decide. If there is a vehicle that has been completely demolished by fire it is not reasonable to take this vehicle to the Police pound, it should be taken straight to the dump as most of them are now. And this section just widens up the law, so that the vehicle can be taken not only to the Police pound but to any other place.

Amendment (B) changes the section that gives notice to the owner of the vehicle. The law as it stands, when a vehicle is picked up, the Police send a notice to the owner whenever the owner can be traced. This amendment goes a little further, in that the Commissioner can send a notice not only to the owner, but to the last driver of that vehicle if the owner can not be found, and not only notify him that the vehicle has been towed away, but requires him to remove such vehicle. So it widens that section of the law.

The amendment (C) deals with the fees. Under the present law, a fee of two dollars is charged per day for each vehicle stored in a Police pound. This new clause would allow the fees to be prescribed by regulations, so that it would not be necessary to amend the Law for each change in fees, and it is expected that the fee of $2 per day will be changed to $10 per day for a vehicle that is stored in the Police pound.

The amendment section (D) is similar to (C). This deals with the fees to be charged for the actual removal of the vehicle. Under the existing Law, the fee charged is $1 per mile, which is inadequate. Most of the people in the wrecking business pick up a car for a fee of $50, and here again, this amendment will take the matter of the fee for the towing away out of the Law, so that it can be prescribed by regulations under the law, and it will not be necessary to amend the law each time it is necessary to increase the fee. And in the proposed regulations, it is anticipated that the fee for towing away a vehicle will be $40.

The last amendment (E) is consistant with the Traffic Law, and puts into it a non-liability clause, whereby the Government would not be responsible for damage, if the damage was the result of any bonafide act, in the removal of the vehicle. This section does not stop the owner from recovering damages if the vehicle has been wilfully damaged, or has been damaged through negligence, or has been damaged by the omission of some act, the owner would still have recourse to recover damages. But the way I see this section is that if, say in a vehicle that had been in a wreck, the wheel might have been partly broken off, and in removing it the wheel might drop off, well that would be a normal occurrence, and no action would lie against it. The Law or the Bill will improve the situation of vehicles on the road, and will allow the Police the latitude which is needed to remove those vehicles which are a constant danger on the road when they are abandoned, or wrecked, or burnt out or parked in a no parking area, and so this amendment just gives the Police the machinery which is needed to expeditiously remove the vehicles. The Police department has recently acquired a wrecking truck, a towing truck which is being used to remove these vehicles. Before this, the Police had to hire one of the private owners or had to depend on the department of Public Health to pick up the burnt out vehicle, and I expect that the Bill will have the support of the members because, the reason for getting this Law was because so many complaints have come from members of the Legislature about vehicles that are left standing for a long time in

HON. G. EAGLESON (CONTINUING): dangerous parts of the road.

MR. PRESIDENT: The question is that a Bill intituled the Traffic (Amendment) Law 1981 be read a second time. The motion is open for debate.

MR. CHADDOCK EBANKS: Mr. President, undoubtedly, today is a beautiful day, and I would not attempt to spoil it in any way, especially since today brings us to the end of a beautiful period of time that you have presided in this Honourable House.

Mr. President, there is a saying "Tell the country the truth and it will not be in danger", and bringing this proposed amendment to the Traffic Law, there are some ideas wrapped up in it, but other reasons are being used why these amendments are required.

In the Traffic Law they have provision to drive away or tow away vehicles whether they are parked or whether they are left, but what seemed to be the main reason for this is to tow away burnt cars. That is not the truth, Mr. President. Because in most cases, nine out of every ten cars that are burnt out on the road nobody can tow them away. They have to be lifted, and put on a trailer or some other equipment that can lift them off the ground and take them and dump them, but they can not be towed away.

The amendment, Mr. President, the same for the abandoned vehicles. According to the English Language, in Collins and Webster's Dictionary, this does not apply to this proposed amendment. I know under the law or in the courts they can use the word to mean fifty different things. The Webster's Dictionary, the meaning of the word 'Abandon', with your permission I would like to read a few of the things that I jotted down, what abandoned means, according to the English language and the Webster's Dictionary. (1) "to forsake entirely, as to abandon a hopeless enterprise". You started something and you reached the place where you will say that it is no more use to me, forget about it. You abandon it entirely forever. (2) "To renounce and forsake, to leave with a view never to return, to desert as lost or desperate is to abandon a cause or party." (3) "To give up or resign oneself completely without restraint is to abandon oneself to intemperance." (4) "To resign, to yield, relinquish, or give over entirely as to abandon a throne." We had a King abandoned his throne, but it did not say anything about a burnt out car abandoned it. (5) "Desert, forsake, leave, quit, forego, give up, take leave of, evacuate." Collins Dictionary - plus up all together, abandon and give up."

As I said I know the courts use the word "abandon" as a terminology for other reasons too, but why not be straight and fair and clear to the people. We wanted to tow away broken down cars on the road, but what is wrapped into it is to tow away cars parked in areas such as on yellow lines and other areas, that would be an obstacle or a danger to other motorists. Yet I myself, numerous times, have walked to the Police Station, laid complaints to the authority, cars are lying on the road, burnt out or broken down, "We can not do anything about it," yet the law says here, they could be driven away or towed away.

You know, Mr. President, probably 60% of the car owners in the country today, and probably in a lot of countries they know nothing about cars, except getting in them, and turn the key for them to start, then if they do not start, they will say something is wrong but they do not know. And that goes to a lot of people who are supposed to have a lot of intelligence, understanding, common sense, knowledge and still they are green to a lot of things.

A few years ago the regulations of the speed limits were dabbled with and they felt to reduce the speed with trucks, they let them write on the back 20 or 30, and I would like to see any motorists as that in the front of him when it is on the back of the truck.

MR. CHADDOCK EVANS (CONTINUING): Maybe in their wisdom they did not know that the breaking in speed, when I spoke to the Attorney General about it, he did not know that the breaking in speed of a new truck was between 30 and 40 miles an hour. And we have some of the same good common sense and wisdom in our country today.

Mr. President, I am hoping that members will oppose this section (E). They can prosecute people for parking in wrong places, creating problems, creating traffic offenses, they can prosecute them and take them to the courts. But they are not satisfied with that. They want to create some hardships, and create a tense atmosphere among motorists in this country. And every minute on this road, Mr. President, it does not operate on the road unless it meets all the requirements laid down by law when it is brought in, when it hits the dock they pay the landing fees, they pay their duties, they pay their freight, they everything, they pay inspection, they pay their license, and everything so they are paying for their car. Then somebody will get it in their noodle, to run over somebody's car because it is parked in such a place that they think is dangerous; prosecute the person, but they are going to run over somebody's car, tear off the fender, mash up the lights, tear out the steering gears, and nobody is responsible but the owner? Then according to the interpretation of this, the recourse is to go through the courts, probably spending $10,000 fighting a law suit against the Government. Is this the trend, Mr. President, that our country wants to turn to since today is your last day in this honorable house?

Mr. President, manufacturers with automatic transmission, they are not supposed to be towed, Sir. If that car is to be towed, the drive shaft must be disconnected.

Mr. President, I said that I am not going to upset this day, because I want to say, at the end of this meeting how I felt or how I feel for this seven years that you have been here. But I am hoping, Mr. President, that we could have that Members will give serious consideration to sub-section (E), and have that deleted from this amendment. Why did they have to bring this amendment before they could formulate a regulation to impose fees, when fees are not in there now? They only had them bring in regulations to copper those and then as always, they do not have to bring the regulations to the House, they can go on amending the fees from that on. But when this is on the butcher's block, the persons ask the Legislator, how much fees they are going to charge? We say that we do not know.

Somebody must have been reading some magazine from Ohio or something, where some of this must have come from.

Mr. President, I think that I have said enough for members to understand, and they ought to agree, not for me personally, because I have already made my commitment to myself a few days ago. I will get the worse of it, I'm aware of that Mr. President, but a lot of the world will know what happened. And I do trust Sir, that Members will give this a serious look, and disagree with that amendment, that regardless of what happens, it is your responsibility, and not those that drag it away, because in a lot of cases that is exactly what will happen. Irresponsible teenagers to be going out with a truck to pick up an $8,000 or $10,000 car and drag it around, and destroy it and then it must be the onus of the owner.

I thank you, Mr. President, and at the end of the session I will pay you respects, Sir, with a few closing remarks.

CAPT. CHARLES T. KIRKCONNELL: Mr. President, as the Member from North Side has just said, Sir, it would appear that this amendment is going to deal only with hunit out-arm, but as he rightly pointed out, we already have sufficient power under the law as it is, to tow away or remove those

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): burnt cars. I also agree with him that we should tell the people the real cause for this amendment, and that is the parking in no parking areas within the town. This is the real motive behind this Bill, to give the Police authority to remove the cars, within the town area. I feel, Mr. President, that Government should establish as has been done in other countries, a tow-away zone. Once this is established and a sign erected, people will know if they park in that zone that their cars or trucks, whatever they park there is subject to being towed away.

Most manufacturers today tell you not to tow away a front wheel drive car by the front end. They warn you against this, because it could result in the main gears and everything else being stripped, and it would be rather expensive to repair. I do feel, Sir, that Government should have properly trained Police who understand the mechanics of these cars, and when the cars are removed, they remove them without causing any damage to them. It is rather hard I know to say that no damage whatsoever can be charged against the force, but I know this is so in other countries and I do not suppose we are any exception. With these few remarks, Sir, I support the Bill.

MR. GARSTON J. EBANKS: Mr. President, the Bill before us today seeks to amend, seeks to solve the problems of abandoned vehicles left on the road. But, Mr. President, as has already been pointed out by the two previous speakers, I find that this really is not a problem why these vehicles are left on the road, because we have a law governing that now. But nevertheless, I am one hundred percent with the Bill to have these vehicles moved off the road on any vehicle that is parked contrary to the law or anything else. The Member piloting this Bill, may ably put forward that the owner of that vehicle can make his claims, but, Mr. President, I am not satisfied with just a Member saying that. I want to see that embedded in the law, because the amendment does not say that.

Mr. President, I support the Bill to a certain extent, but I would actually like to see something done to that sub-section (E), either another amendment put in there or the section deleted altogether.

I thank you, Sir.

MR. PRESIDENT: Do any other members wish to speak? Does the Honourable Member wish to reply?

HON. TRUMAN M. BODDEN: I will be very brief, Mr. President. I have listened to the three speaking, but the first two especially, and what I find somewhat amusing is the reference that paragraph (E) seems to have come from communist legislation. In fact, it has been lifted directly from section 86, sub-section (b) paragraph (b) which the first Member passed in 1972, I will just read it. "No action shall lie against the Government or against any member of the Cayman Islands Police Force for damages in any civil suit in respect of any personal injury or damage to property caused as a result of any act bonafide done pursuant to this section". And it is exactly the same has been repeated here except the word constable is used instead of Member of the Cayman Islands Police Force. And it does appear, while I have not had an opportunity of going fully through these minutes, this was undoubtedly supported at the time by the three Members who were in the House at the time of which one Member was a Government Member, the third Member from West Bay. So the section is by no means one that has been lifted out of any funny law, it is lifted out of a section of the Road Traffic Law.

Secondly, the first elected member from Cayman has objected to it as being one which has a cause to just remove parked cars. But that section relating to the removal of parked cars is

HON. TRUMAN M. BODDEN (CONTINUING): section 84, sub-section (1), and this Bill by no means seeks to alter that section whatsoever. The right of removal of the motor cars is under 84, (1), and this is not being amended at all. What has been amended are the subsequent sections which give the right to move it and to give notice as soon as practicable, and there was a section there which instead of saying "as soon as practicable" it said as soon as the owner can be traced. There is not very much difference there. Well sub-section (3) substantially repeated, and sub-section (4) is done again substantially the same but we can prescribe a fee. The only addition is in substance, sub-section (6) which adds the sub-section (8). But I cannot really see how the fact that it was good then, and that section 84 related to road blocks, barriers, and everything else, and in fact, went even further than this section goes. Because it excluded Government's liability for personal injury. This sub-section relates to property so the Legislature in 1973 passed an exclusion, what if you, in the course of that road block, killed a person, or injured a person, then the indemnity applied, all is being dealt with now is to apply that indemnity in a less forceful form to loss or damage to property. And it is not as much a complete indemnity, if you look carefully at it, it says that no action shall lie against the Government or any constable for damages in any civil court in respect of damage to any vehicle or any loss or damage to any property, from or in such vehicle caused as a result of any act bona fide done pursuant to this section, involving that vehicle.

So it is not that the Government can go and do any act or the Police can do any act, and be exempted from liability. It has got to be acts done bona fide. Same as the constable carrying out his duties, if he bonafide restrain someone from carrying out an offence, and in the course of that restraint the offender is injured, then he is covered. This has to be a rule of law, that is put in there fearing that the whole strata of law and justice would crumble, because everyone would be afraid to carry out their duties bonafide if there is going to be damage or personal injury. So really what is in here is a mild form of what existed since 1973, and as I said earlier, it is a more limited sort of indemnity, and it does not cover the Government in relation to personal injury as does section 84, (3),(b).

Now that was presumably passed and I assume supported by, I guess by the three Members there at the time, or at least by the Government Member, and this really, I can see no specific objection to it, I mean, what was good then, unless things have changed considerably now, I think should also be good now if it has lasted for the last eight or nine years. It has not been abused by the Police, and that is the whole idea of why the word bonafide is in there. Then I really do not see why the House cannot put it through in the form it is. But I would like to stress, that the act of removing parked vehicles is the sub-section (1) that has been there since 1974. We are not creating or giving power at this stage to do anything which in substance was not there, under 84, (1). We are not really changing that in substance at all. It is only the procedural sub-sections (2) to (5) and the addition of the sub-section (8).

So I would ask Members to support this, and let us see you later, if we can get in this amendment, which I think will assist in the main area that is intended to be used, which is to remove abandoned vehicles. I do admit that 84 (1) (b) does provide that you can remove it, vehicles in other instances. But that has been there all along. And there is no way at this stage on this amendment of really getting out of that. So I would ask Members on that basis to please support it.

MR. CHARLES KRANK: Mr. President, with your permission, Sir, I would just like to say that not because that amendment went through the House during my time that I agree with it, because as leader, of any Assembly agree with all Bills that come to the House.

MR. BENJAMIN O. KSANKS: Mr. President, as you can hear, Sir, I have an affected voice and I did not intend to speak on this Bill. Nevertheless, listening to particularly the introduction and the last speaker, I am moved to say a few words on this.

Because section 64, as I see it at the moment, gives ample provision for the Police to remove a burnt out or abandoned vehicle. I had an occasion last Christmas, to call the Police Department about a burnt out vehicle in my District. And I was told that it could not be moved by the Police until the owner had been given reasonable time to move it. And I see that nowhere in this law. I warned what the consequence would be, and sure enough, two or three other cars hit that burnt out car during the course of the holiday weekend.

Only a month ago, I called the Police again, and I was given the same answer. But, Mr. President, there is ample provision under section 34 (1) for them to remove these vehicles immediately they became abandoned, or burnt out as the case maybe, or parked dangerously, unlawfully, as the case maybe. It would seem to me, that this Bill seeks chiefly to give the protection sought under section (5) that is the new (6) to be that is the absolving the Government from liability, or estate under section 64. It is true that the Bill widens up section 64, in-so-far as extending the areas that the car can be taken to, the method in which the fees will be prescribed and collected and so on. But the reason cannot be that there is not now provision to remove abandoned or unlawfully or unsafely parked cars. The only addition as I see comes by giving the protection afforded under section (6).

That to me, Mr. President, as our previous speaker said, is the case in other countries and I suppose it is reasonable here. The only difference I would point out between section 64 and section 34 where this indemnity was given to Government before under section 64, was really that the damage that is caused under section 34 is really by the driver or operator of the vehicle, if he fails to obey the instructions, signs, signals and whatever that are given to him. Under section 64, the damage resulting to the vehicle will be directly as the result of the actions of a constable.

In other words, Mr. President, section 34 would be indirectly the actions of a constable because he erected the barriers. But if the operator of the vehicle observed the instructions and signs given, there would really be no damage caused.

I am not opposed to the Bill in any strong fashion, but I thought that I would really point out that unless the Police are going to use the Law, the powers of the Law, there is not much point in us putting the Laws on the books, because the power is here now to remove abandoned vehicles as the Member has pointed out. And I would hope that if it was the indemnity that was holding the removal back, that by putting this in will give no more action in this regard, because some very dangerous situations are allowed to exist and continue for too long a time on the road, and I hope that this Bill will be the means or means of having them removed.

I thank you.

HOUSE SUSPENDED

BOUCT RESUME

WORDS OF THANKS AND FAREWELL
TO HIS EXCELLENCY THE GOVERNOR
MR. THOMAS RUSSELL, CMG, OBE.

MR. CHADDOCK ROLLINS: Mr. President, I would like to take this brief opportunity to extend my pleasure of meeting you Sir as Governor of the Cayman Islands and as President of this Honourable House. Sir, when you came into office I knew what we had just lost, but I wondered what we would be getting and the same question has arisen in my thinking. We know what we are losing: we do not know what we will be getting.

Meeting you, Mr. President, for the years that you have been here I found myself quite close to you, Sir. I have come to you on many occasions pertaining to the public generally and while I may not have gotten what I came for, I still got a lot of help because you used your judgment according to your wisdom. You have proven, Mr. President, a leader to this country; you have won the hearts of the people of these Islands and I am sure today everyone in this country regrets to know that you are leaving. You are only human like all others. We have a job to do, a task to do, and you have completed your task, Sir, you have committed a job well done; second to none and on behalf of myself and family I would like to extend to you every good blessing, every good thing that would follow one, and your family, may be the trend of your departure from these Islands. After a bit of relaxation you will desire, more or less I suppose, to go out in another field, but I am sure, Mr. President, that your good work will linger on in these Islands for many, many years to come. And I trust, Sir, as you go away, as I just said, every good gift from God will follow you and your family. So I wish for you and your family the best for the Christmas season and to follow in your departure. May God bless you, Sir.

HON. C. E. FOSTER: Mr. President, it is indeed quite a sad and moving occasions to contribute to the tributes already paid to yourself and the Honourable Financial Secretary. I am sure it is unique in the history of legislatures for two people of such outstanding talents to be leaving at about the same time. And there is no doubt that this House will miss the value of your guidance and wisdom when it convenes again in 1981.

Mr. President, I have worked closely with you for the past seven years and have found you to be an extremely able and knowledgeable administrator and a most human and friendly person. You have been fair and just in all your dealings with your colleagues and the Civil Service and as Chairman of the Executive Council and President of this Honourable House, we thank you most sincerely for this.

As you leave us in January, our good wishes for an interesting and happy retirement go with you and Mrs. Russell. To my good friend, Mr. Johnson, Financial Secretary, I would publicly express heartfelt thanks for all his advice and support to me personally and service to the country as a whole during his long period of service. The finances and development of this country have indeed been in good and capable hands during your tenure of office as Financial Secretary.

History will, I have no doubt, record and acknowledge the great debt that is owed to you by this territory and for you Sir, I wish everything that is good for the future.

HON. V. H. CAREW (FINANCIAL): I would like further to wish every Member of this House and the staff of the Legislative Assembly a very happy Christmas and a prosperous 1982.

MR. CRADDOCK BANKS: Mr. President, with your permission, I would just like to say that I have not forgotten the Financial Secretary, but he has one more meeting with us so I thought I would leave his cake until after the last meeting.

MISS ANNIE PULSAM BODDEN: Mr. President, I have an old friend from the country came and one day she came to the office and she said, "Well Annie sometimes the best of friends must part, but that does not change the position because we are apart - we still respect and love each other", and that is the sentiment for you, Sir. I am very sorry that you are leaving and you have gained the respect of all in this country.

I know it has been plastered on us because we did not often come under that we were instrumental in getting you off. That is not the truth, Sir I am very happy that the Financial Secretary has explained it.

I wish for you and your family, Sir, God's richest blessings and I am very sure whatever field you may go in you will do the same noble job that you have done in this country. You have protected one and all. I am very happy today to say, Sir, I have never heard one evil word spoken against you except that you might have been a little too soft. But you were a loyally gentleman and I appreciate my time that I have been serving in this House. Although I am the weak woman here I just like that you have acted towards me as a father and that you at least requested me for what I ended to do.

May God richly bless you and your family and cause you to come back and see us again, Sir.

HON. TRUMAN M BODDEN: Mr. President, throughout the time that you have been in the Cayman Islands and especially in the last five years that I have known you in a different capacity, I believe that you have undoubtedly been one of the most able Governors, one of the best Presidents and one of the most liked friend of all the people in these Islands.

You came here approximately seven years or so ago and you brought with you a wealth of knowledge and the able leadership which has been evident during the great strides that the Cayman Islands have made under your government.

Countries are only as good as their leaders and in actuality they are only as good as their government. The load I know has been heavy many times, but throughout I cannot remember any time that you have ever endeavoured to shirk the weight of that burden. I am certain that you will always be remembered by Caymanians, be they young, old, poor, well off, whatever and I would ask you to always come to think Caymanians will always welcome you back to Cayman at any time you may wish to return.

I am very happy to say that I have with the approval of this House and the Government to be able to name the stadium and the sports complex after you. I think that it is very fitting that you who have been through the years of building this country to where it can produce a structure such as the stadium and sports complex that it would be named after no one better.

On a lighter note, Sir, I notice that the Postmaster has you arriving back in the Island for your next term of government on the 15th of February 1985. This is one mistake that I fully agree with them with.

I wish you, Sir, and your family Mrs. Russell and your son all the best in your retirement and the future and also all the best for the coming Christmas and New Year.

Thank you.

HON. G. FAIG BODDEN: Mr. President, I too would like to say that I have enjoyed the years I spent in Government under your leadership. I came into the Assembly in 1972 when we had a new constitution and I must say the President of the Assembly was feeling his way around just the same as I had been doing at that time and it was really a pleasure when the change was made and you came with your wealth of knowledge and experience in parliamentary procedure. And your presence has certainly enhanced and improved the workability of this parliament.

I endorse the naming of the stadium after you, Sir, but would like to mention that Bodden Town was always first. You know we were the first capital and last month we named our cricket bench the Thomas Russell bench and we have put up a mahogany sign which we hope that future generations will ask, "why is this bench named". And the reply will be, "this was named because Thomas Russell was our greatest leader". Samuel Johnson once said, "do not retire from the world until the world is sorry to see you go", and I think you have picked the right moment to retire at a stage when the Islands have just really begun to realise what your being here has meant. When you came Government's revenue must have been something in the region of $10M. Today it is nearing $60M and there has really been, under your guidance, an re-surging in the economy. However, I think your lasting memory here will be the real effort you made to meet with the individuals on the street, the many homes you visited and you have probably had more personal contact with Caymanians than all of your predecessors put together, and I say this from knowledge Sir. I remember your immediate predecessor visiting Bodden Town only once in an official capacity and the night he was to visit I discovered that I would have to be the chairman for a school programme and when I conveyed this news to him, his reply was, "that is a grief time to come, I will not have to meet anybody". I am glad to say that your approach has been totally different and it is no exaggeration when I say that you have endeared your heart to Caymanians.

HON. JAMES M. WARREN: Mr. President, we are but footprints on the sands of time and it is my opinion that the footprints that you will leave in the Cayman Islands will be hard to erase and will be difficult for anyone to follow.

I have lived a very varied life and met a lot of people, but I truthfully can say in this House today that I do not know if I have ever met anyone that I have had the pleasure that I have had from you. You have endeared yourself to the people of this Cayman Islands. I can think of but very few who do not hold you with the highest of respect and esteem. And as for myself, my family and the people of my district are concerned, we are very sorry to see you leave these Islands. I hope that you will find it possible to return and for you and your family I wish you the richest blessings that God could ever bestow upon anyone and I hope you will be back.

To all my fellow colleagues and to the staff of the Legislative Assembly and to yourself, Mr. President, and family I wish you all a merry Christmas and a happy New Year.

MR. N. ROLAND BODDEN: Mr. President, as a freshman politician in this Honourable House I usually do not have very much to say. I try to be as brief and to the point as possible and during the course of the debate of the Budget Address I said the few words that during the year I have been here in this Honourable House I have found you to be fair and firm and knowledgeable in handling the affairs in this House.

It is said, Sir, that in the course of time whether a stone wears away or whether it becomes highly polished depends on the material of which it is made. And I maintain, Sir, that your task here has been a difficult one and I can only hope that you are leaving here highly polished and that you will continue to make your contribution to this world in which you live.

MR. W. NORMAN HOLDEN (CONTINUING): I would like to join all of my colleagues in wishing for you and your family the very best for Christmas and also as you leave our shores that one of these days you will be able to come back and enjoy the beauty of these Islands under different circumstances and with less strain.

Thank you very much.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, in my debate, Sir, I paid you the tribute which I felt came from the bottom of my heart. It is not only from my lips, Sir, and I cannot find words to say how sad I am personally to see you leave us, but I do have the hope that in the not too distant future we shall be here to welcome you when you return.

You have given the Islands seven and a half years of dedicated service and I am sure, Sir, you have found this very rewarding. You are leaving us at the peak of your career, an unblemished career, for which I am very happy. As the Member from Bodden Town said you have certainly left footprints on the sands of time. No one can take away your memories or your note; they can remain and you will certainly go down in the history of the Cayman Islands. You have raised the standard of Government in every department, not just the Legislature alone, but throughout Government. You have been one of the most able leaders this country has ever known. It is only left for me, Sir, to wish you on your retirement good health, happiness and may you like to return here refreshed and drill among us whenever you see fit. I would like to wish you and Mrs. Russell and your son Malcolm a very happy Christmas and a healthy, happy and prosperous 1968.

I would like to wish all Members of this Honourable House a very happy Christmas and a prosperous and healthy 1968. I would like to pay special tribute to our Clerk, Mrs. McLaughlin, her deputy and the staff of this Legislature our gratitude for the able manner in which she has conducted this session. I would wish them also, Sir, a very happy Christmas and a prosperous and healthy New Year.

HON. T. J. PAINTON: Mr. President, Sir, I am going to omit myself of this occasion to express publicly and for the records of this Honourable House my own personal sadness at having to outline that a personal association as colleagues, going back now over a quarter of a century, is rapidly drawing to a close.

When we first met, Sir, I was a new recruit, a very raw recruit in the colonial service. You were already well established in a career with an enviable record of achievement, both as a soldier and as a public officer. It was said of Sir Christopher Wren, the architect who made London one of the most beautiful cities in the world after the destruction of the Great Fire of London, that if you wish to see his monument look around you. These words, Sir, can be adapted to describe your life's work: not only in these Islands, but in the far away Pacific are many memorable examples of your accomplishments as an administrator in the form of roads, schools and hospitals. But your accomplishments are also manifested in a less tangible form; the extent to which your calm strength and sagacity have contributed to the present harmony and prosperity of this country can never be measured. That makes it none the less real.

Finally, Sir, it has always been a privilege to sit in this House while you have been presiding. I have always envied you, your down knowledge of the procedures of this Legislature and have often admired the adroit way in which you have applied that knowledge. Your gentle hand on the tiller has guided us past many a shoal.

Sir, we will all miss you, but I perhaps more than others. I thank you for the restraint and consideration you have always shown for me and for your unfailing support when I had difficult duties to

HON. T. R. WARWICK (CONTINUING): perform. I and my family join in wishing you and Mrs. Russell a long and high retirement which I hope will see the publication of the many learned works that I know you are surely to write and also of your autobiography. I know, Sir, that in that latter work you will be as gentle with us as author as you have been as Governor.

HON. V. C. JOHNSON: Mr. President, this is not winding up a debate. I hope that that privilege on this occasion will be yours. Seldom, Mr. President, did you permit me to be on my feet again after paying you tributes as was contained in my Budget Address.

Those words in the Budget Address, Mr. President, were carefully chosen by me to express my gratitude to you and at the same time I felt that I was also expressing the gratitude of this honourable House and the people of the Cayman Islands.

Mr. President, I am not endeavouring to add to what I have already said, but I felt that I should rise and join my colleagues here in the tributes which they have also paid. They have said quite a lot in addition to what was contained in the Budget Address.

Mr. President, I will soon be following you. The only difference is that I will remain on the Island as a resident for the rest of my life, but I am sure that as we both leave the system of government we would like to acknowledge the progress and success under your administration. I too, Mr. President, would like to join the Second Elected Member of Executive Council when he referred to the old statement that an operation or a department of government is as good as its head. This, Mr. President, I would also support wholeheartedly whatever else I would choose to say about you as an individual, the excellent administration of yours in this country is responsible for the great success of these Islands.

I would like to wish for you, President, your dear wife and son, best wishes for health and happiness. I am sure that as you leave this country on retirement that you will find other suitable activities to keep you occupied during your retirement. I have no fear that the ability you demonstrated here in your administration will continue to reflect in whatever you undertake in future. I would also like to join in extending best wishes to you and your family for the Christmas and also to extend those same wishes to all Members of this Legislative Assembly, the Clerk and members of his staff.

Thank you very much.

HON. GILBERT J. EBANKS: Mr. President, last week at the conclusion of my contribution to the Budget Debate I paid tribute to you and wished you God's richest blessing. I can do no more than to say now what I said then and wish for you and your family all that is best in the future and a long and happy retirement.

To Members of the Assembly I wish a very merry Christmas and a prosperous 1982 and I must associate in that wish the Clerk and members of this Assembly. I regret that my voice does not allow me to be more verbose on this occasion. I can only say that what I said last week be accepted with the sincerity with which it was said.

I thank you Sir.

HON. JOHN B. MCLEAN: Mr. Speaker, I find myself in a similar position as the last speaker. I did say tribute at the end of the Budget Address, but once again I would like to repeat that for the last five years I have found in you, Sir, a great leader. I have found you to be somebody who has really and truly put your heart and soul in everything you have done for the betterment of these Islands. You are someone who will be greatly missed by the people of the Cayman Islands and at this time I take the opportunity on behalf of my constituency, my family and myself to wish for you once again and your family a very happy retirement and for the coming season a very happy Christmas.

Also to the Members of the Legislative Assembly, the Clerk and her staff, I also wish a very happy Christmas and prosperous 1988.

CAPT. MARK S. KENTWORTHY: Mr. President, like previous speakers I would associate to you and the Honourable Financial Secretary in my contribution to the debate, but I would not let this opportunity pass to reiterate the great appreciation of the people of my district for the way in which you have handled the affairs of the Cayman Islands including as an equal member. Your frequent visits, your friendliness and your determination for the success of this territory will be recorded in history.

I wish for you and your family, as I said previously, a very long life, happiness and prosperity. I sincerely hope that we shall have the opportunity of welcoming you back to the Cayman Islands and if you would choose to reside in Cayman there we would certainly appreciate that.

And to all Members of this Honourable House and to the Clerk and her staff I would like to extend a very happy and prosperous 1988.

HON. V. G. JOHNSON: Mr. Speaker, pardon me Sir, I should have mentioned when I was speaking a while ago that I would also like to thank the Honourable Members for the remarks made about me. But since I still have another meeting to attend next week, I will leave for that occasion what I had to say today.

MR. PRESIDENT: Honourable Members of the Legislative Assembly I have been deeply moved by the ministerial tributes paid to me, by all Members, both in my capacity as Governor and as your President. Officers for the last seven and a quarter years and for the good wishes extended to me and to my family for my retirement and the Christmas season.

Government is a continuum and as you all envisaged to suit our needs for a while and in time to yield the reins to those who come after us. My lot has been to be a witness of a well founded and well maintained ship with a first class, if sometimes quarrelsome crew. We have had our ups and downs and rebuilds have been necessary at times, but I should have been disappointed with a game of uneventful sailing which I have sometimes brought elsewhere.

I must thank you for your unfailing courtesy to, and consideration of the privilege from the chair each of us knows you may privately have disagreed with them. I have always had to use the gavel to restore order indeed it has stuck to its task. It has been used on two occasions to mark the beginning and end of silent tributes to Members who have died, Mr. William Farrington, OBE, and Captain Eaton Bird. On one occasion when two Members were both on their feet shouting at each other across the floor, I rose to my feet and both Members were so familiar with Standing Orders that they immediately sat down.

MR. SPEAKER (CONTINUING): I have been extremely fortunate in having as Clerk, Mrs. Sybil Kulamadan, MBE, the Senior Clerk in the Commonwealth, well known at Westminster and throughout the Parliaments of the Commonwealth. With a wealth of parliamentary knowledge, matter of essential and procedure and the ability to give discreet advice to the Presiding Officer when she considers this necessary, she has been the bulwark of Standing Proceedings and the efficient discharge of the duties of the House during my term of office as Presiding Officer. She is ably supported by her staff and I pay a splendid tribute to the Sergeant-at-Arms, Mr. Robert Porter, for his several learning and edifying counsel to me.

I had thought of commencing the number of laws passed, the number of motions debated and questions asked and answered over the last seven years, but believe to be a true measure of achievement and in my case this could hardly matter and Mr. Speaker Speke have lived through many more than I. But much media coverage has been reduced. I would note particularly the following legal landmarks: The Official Gazette Law, 1974; the Public Service Commission (Amendment) Law and Regulations, 1975; the suit of Law relating to the Courts and the Interpretation of The Penal Code and The Criminal Procedure Code and the Law revision Law enacted in 1976; the Police Law, The Ports Authority Law and The Confidential Relationships Law and Prevention Law enacted in 1977; The Virtue of Order (Amendment) Law, The Building Law, The Marine Preservation Law and The Petroleum Law enacted in 1978; the Contracts Law, The Wire Brigade Law, The Insurance Law and The Dental Health Law enacted in 1979; The Exchange Control Appeal Law and The Pensions (Amendment) Law enacted in 1980; The Trades Development Corporation Law enacted in 1981.

Mr. George Gustave Saunima, who was nicknamed "wallace", a previous Electoral Commissioner in Malaita in the Solomon Islands (one of the toughest islands in the Pacific), looked over the roll of the whole country him once after seven years and observed, "You know when I arrived this island was in a terrible turmoil", and after a pause he said, "And it is until in a complete turmoil". I cannot say that. I arrived when the Islands were in been conditions, and then fallen precipitously in the 1974/1975 depression and recovered thereafter to the present level of economic and financial achievement. I have many faith in the future.

This achievement has not been attained by accident. In my speech on being sworn in I identified five essential ingredients of stability and progress: the Elected Members of the Assembly and of the Government, the Civil Service including the police, the private sector, the people and the churches. It is a combination of administration and business acumen, hard work and efficiency, normal cooperation and adhering to the law and consideration of your Christian heritage and values that has brought this small country to this unparalleled level of achievement. I pay special tribute to the various members of Executive Council, with whom I have worked so closely since I entered, to the actions of Members of the Assembly shown by the electorate, to a dedicated and effective Civil Service and a Police force of which you can be proud. I join other Members of the Assembly in paying homage to Mr. Samuel Tonnam who is soon to retire as Financial Secretary and whose job is one of the most demanding in the country. As the custodian of the country's revenues charged with responsibility for economic development, fiscal matters and control of expenditure, the Financial Secretary must possess attributes above and beyond those of his fellow Civil Servants. He must be imaginative, receptive to the good ideas of others, knowledgeable in the intricacies of modern financial management and investment, an outstanding administrator and must possess a thorough grasp of economy, parliament and politics. Mr. Tonnam possesses all of these qualities as demonstrated by his long and successful note of service.

MR. PRESIDENT (CONTINUED): Honourable Members will recall the Dickerson's character, Mr. Micawber, the eternal optimist always waiting for something to turn up. On one occasion as a Financial Secretary, when I was having to be continually obscure on the floor of the House, I was accused of being an inverted Micawber, always waiting for something to turn down.

Madam, gentlemen, we should not be looking at a balance sheet of $21M today but Mr. Johnson not had the ability to his every unfathomable fashion to exercise restraint and control of the expenditure to a degree which gives him memory and himself immeasurable credit. I am reminded of the couplet "and still the wonder grew that one small head could carry all he knew".

Mr. Johnson, you can leave this Chamber with your head held high and I join all Members in wishing you and your family a long and happy retirement.

Finally, let me thank all Members for their generously expressed appreciation of my services, their sincere good wishes and for their help and friendship during my stay with you. You represent a proud, unique and blessed people and you represent them well. May God continue to bless you and reward you with peace in this land of great promise - Grand Cayman, Cayman Brac and Little Cayman - the Cayman Islands.

I wish all Members and their families a happy Christmas and many good New Years.

ADJOURNMENT

MR. PRESIDENT: I shall put the question now that this House do now adjourn.

QUESTION DULY AGREED. AT 12:50 P.M. THE HOUSE ADJOURNED SINE DIE.