STATE OPENING AND
FIRST MEETING OF THE (1962) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON WEDNESDAY, 17TH MARCH, 1962

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG - PRESIDENT

GOVERNMENT MEMBERS

HON D H FOSTER, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS
HON	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON V O 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, CIVIL AVIATION AND TRADE
HON G HALO BODDEN	MEMBER FOR COMMUNICATIONS & WORKS

ELECTED MEMBERS

* MR J GARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR C DENNIS BRANKS	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
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES I 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 CRADDOCK EBANKS, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

* Absent - Apologies received

ORDERS OF THE DAY

WEDNESDAY

17TH MARCH, 1982 AT 10:00 A.M.

1. STATE OPENING (see programme)

2. HOUSE SUSPENDED FOR 40 MINUTES

3. HOUSE RESUMED

4. ADMINISTRATION OF OATH

5. REPORT OF THE FINANCE COMMITTEE
(Meetings held on the 16th and 17th December, 1981 and 29th January, 1982)
TO BE LAID ON THE TABLE

6. AUDITED ACCOUNTS FOR 1980 TO BE LAID ON THE TABLE BY THE HONOURABLE V. G. JOHNSON, CBE, JP, THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY

7. COMMONWEALTH DAY MESSAGE FROM THE COMMONWEALTH PARLIAMENTARY ASSOCIATION, HEADQUARTERS SECRETARIAT

TO BE DELIVERED BY THE HONOURABLE G. HAIG BODDEN, FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL AND CHAIRMAN OF THE CPA CAYMAN ISLANDS BRANCH

8. QUESTIONS:-

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM CIVIL AVIATION AND TRADE

1. Will the Member make a statement concerning renovations and/or repairs on the house located off North Church Street which was recently purchased by Government at a cost of CI$375,000.00, stating the cost thereof?

2. Will the Member inform this Honourable House when the audited accounts of Cayman Airways for the period ended 30th June, 1981 will be made available to Members?

3. Will the Member state the cost of new uniforms, hats, etc., for the members of staff of Cayman Airways designed and made in New York and recently modelled and displayed?

MR. D. ALMAIN EBANKS OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

4. Will the Member make a statement concerning the operations of the new police patrol boat and whether a full crew has been recruited?

MR. D PALMAIN BANKS OF WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

5. Will the Member inform this Honourable House the stage of development reached in respect of the sporting complex to be created in Grand Cayman?

6. Will the Member state when it is expected that the playing fields in the various districts will be upgraded?

7. GOVERNMENT BUSINESS:

GOVERNMENT MOTION NO. 1

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER

WHEREAS under Section 2 of the Cinematograph Law, 1970, provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly and one member nominated annually by the Governor to carry out the stipulations of the above-cited Law and Rules made thereunder.

BE IT RESOLVED that the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 17th day of March, 1980:-

Mr Truman Bodden, JP
Mr D Palmain Banks
Mr J Tereton Smith

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WEDNESDAY 17TH MARCH, 1982

10:00 A.M.

H.E. THE GOVERNOR: 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, Diana Princess of Wales and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

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

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 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.

H.E. THE GOVERNOR: Please be seated.

CLERK:

PROCLAMATION NO.2 OF 1982
BY HIS EXCELLENCY GEORGE PETER LLOYD
COMPANION OF THE MOST DISTINGUISHED ORDER
OF ST. MICHAEL AND ST. GEORGE, GOVERNOR OF
THE CAYMAN ISLANDS.

WHEREAS by subsection (1) of section 40 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, GEORGE PETER LLOYD, Companion of the Most Distinguished Order of St. Michael and St. George, 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 a.m. on Wednesday the 17th day of March, One Thousand Nine Hundred and Eighty Two.

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

GOD SAVE THE QUEEN.

T H R O N E S P E E C H

DELIVERED BY HIS EXCELLENCY THE GOVERNOR

MR G P LLOYD CMG

AT THE OPENING OF THE LEGISLATIVE ASSEMBLY

ON WEDNESDAY 17 MARCH 1982

T H R O N E S P E E C H

DELIVERED BY HIS EXCELLENCY THE GOVERNOR

MR C P LLOYD CMG

AT THE OPENING OF THE LEGISLATIVE ASSEMBLY

ON WEDNESDAY 17 MARCH 1982

Honourable Members of the Legislative Assembly

The Throne Speech always marks the opening of a new session of the Legislature. On this occasion it also marks the first occasion when I have to preside over one of your meetings; and I shall therefore start by asking you to be indulgent if I seem at times to be unfamiliar with your procedures.

It is now just over two months since my wife and I arrived. Throughout this period we have been continually delighted by the friendliness we have found on every side. The period is nevertheless short. Moreover, I was not here at all during 1981 - the year which has now to be reviewed at the same time as we look forward to plans for 1982. So I am sure you will understand if my speech today is somewhat briefer than Throne Speeches have been in recent years.

1981 began with a revenue balance of $7.7 million, of which $4 million was transferred to General Reserve, bringing the latter account balance to over $13 million including investment income.

Recurrent revenue for the year amounted to $43.76 million, exceeding even the revised estimates of $39 million by 12.2%. The additional revenue came mainly from Customs.

The estimated recurrent and capital expenditure of $40.7 million on the other hand fell by 4.29% as the actual expenditure was $38.93 million. This resulted from uncompleted capital projects and staff vacancies, together with prudent spending and financial control at all levels. The surplus for 1981 was therefore $4.83 million.

/Including

Including the balance of $3.7 million brought forward, surplus revenue at the end of 1981 amounted to $8.53 million, an excellent financial performance for the year. Government's total reserve at the end of 1981 is now confirmed at $13.4 million general reserve, plus $8.53 million revenue balance: or $21.93 million.

The financial sector continued to expand during 1981. Banks and trust companies licensed increased by 21%, from 324 to 393. Companies registered increased by 18%, from 12,183 to 14,391. By the end of 1981, 264 licences had been granted under the Insurance Law.

Government revenues for 1981 from these combined sources amounted to $8.9 million, representing 20% of total revenue - which exceeded estimates by more than 8%.

Customs produced yet another annual revenue record of $17.1 million, exceeding the estimates by 21%. Real estate transactions, with a total value in excess of $63 million, produced over $6 million in stamp duties; an annual growth in value and revenue of 10% and 13% respectively.

Capital expenditure totalled about $13.2 million. Over 80% of it was financed from local revenue. I shall be giving details of most major projects later in my speech and so need mention at this stage only the purchase and installation of larger computer equipment.

During the past year the Currency Board put into circulation two higher denomination bank notes of $40 and $100. The Currency Law 1974 was also further amended to deal with the redemption liability for numismatic coins; a programme which has been very successful. The Board will celebrate its tenth anniversary of the first currency issue on 1 May 1982. Its assets have increased ten-fold during this period. They now exceed $12 million. Moreover, the Board has already contributed more than $1.5 million from its surplus to the general revenues of Government in accordance with the provisions of the Currency Law.

/This

This strikingly successful record indicates the wise guidance from which the Board - and indeed the whole economy - has benefitted throughout the period. So I should like to pay tribute to the debt that we all owe to the retiring Financial Secretary, whose last meeting of the Assembly this is.

I turn next to Internal and External Affairs and will deal first with the Police. 1981 was an excellent year for them with all the phases planned being fully implemented. These included the opening of a Training Centre thus avoiding the necessity of sending recruits overseas; increasing the Marine Section to three vessels to provide full sea cover, the latest addition being a sea-going patrol boat armed fore and aft; and obtaining new equipment ranging from cars and motor cycles to radio communication and specialised items for the Traffic Department. The Special Constabulary was formally launched with 200 volunteers commencing initial training to provide a trained and reliable backup for when the need arises and for members of the community standing by. A Commercial Crime Branch of four officers was formed and is already fully operational acting as liaison for overseas agencies including Interpol. A number of building and renovation schemes were commenced to provide further office space. The extension of a vehicle testing area will be commenced shortly. The next phase is to consolidate all these improvements and develop the theme of community policing to which the Cayman Islands truly lend themselves.

As to prisons, Northward opened on 2 June 1981. By the end of the year, there had been 135 receptions of whom 14 were females, 32 were young male prisoners (under 21 years of age) and 89 were adult males. The highest daily prisoner population of 53 was reached in mid December. There was one breach of security involving two prisoners, but they were both soon returned to prison custody. A high level of Staff Training has been maintained to ensure that the progress of localisation is sustained. It is honed to have the Phase II Cell Block brought into use sometime in 1982.

/As to

As to immigration, the continuing growth in the economy during 1981 was reflected in the number of passengers disembarking. Excluding cruise ship passengers, the number totalled 156,063 - an increase of 6.1%. The United States remained their main country of origin, with a 5.2% increase; whilst the number from Jamaica fell by 6.1%.

The islands fortunately continued to enjoy full employment during a period of general recession. But this tended to encourage the speculative traveller seeking employment. Such travellers are for economic reasons often prepared to run the risk of working without permits; so the Department's enforcement activities have had to be expanded. It is equally important that employers should be more meticulous when hiring labour; and in 1982 greater emphasis will be placed upon the prosecution of those employing people without the necessary authority.

During 1980 and 1981 the Government has been particularly generous in attempting to meet the demands of employers for labour in a full employment situation bearing in mind the limitations of the infrastructure to support large scale immigration. In the months ahead the state of the economy will be carefully monitored to endeavour to ensure that the availability of employment currently enjoyed by Caymanians continues.

Radio Cayman has over the past year shown good progress in all areas of its broadcast service. The station's personnel complement is presently 15, mainly Caymanian, and it provides 121¼ hours of broadcast service weekly with a varied format which includes nine newscasts per day, Monday through Friday, seven on Saturdays and five on Sundays. Programmes cover all types of music, religion, cultural and educational, with an increasing degree of local content. Radio Cayman's revenue in 1981 covered completely all of the station's recurrent expenditure thus reaching the point of self-sufficiency with the capability of making a substantial contribution to government's revenue.

/1981 saw

1981 saw another great milestone in the history of Cayman Brac and Little Cayman - the construction of a modern Port Facility at the Creek, Cayman Brac. The dock, constructed by Misener Marine, was completed in just over two months and went into operation on 16 November.

Satisfactory progress has been made on other government projects during the year. They include the upgrading and extension of the runway at Gerrard Smith Airport, the construction of the new Government Administration Building, the resurfacing of the north and south coast roads, the construction of a sea wall and ramp at the new dock, additions to schools, the construction of an office for the Public Works Department and improvements to the Faith Hospital including the installation of a standby generator there.

A number of private dwelling houses were also constructed; and Cayman Brac Power and Light Co purchased and installed a new 750 kw generator to meet the growing electricity demand.

Little Cayman benefitted from the completion of the Medical Clinic and of the government-owned temporary housing for PWD workmen who carry out government projects there.

In June the Police force in Cayman Brac was upgraded and strengthened with the recruitment of an Inspector in charge of the force for the first time. The complement has been increased to eight constables in addition to the Inspector and one Sergeant. The Police Station is now manned 24 hours a day.

Residents of both islands have expressed their satisfaction with the present arrangement of bi-monthly visits to Cayman Brac and Little Cayman by the Chief Secretary (who has Executive Council responsibility for District Administration). 1982 should be a year of considerable development in both islands in the light of improved air and sea communications.

/Throughout

Throughout the year 1981 the Legal Department continued to advise and assist Government and its various departments and agencies on all legal matters, conducted criminal proceedings and also civil proceedings involving the Crown. The volume of work dealt with by the Department increased considerably during the year.

28 Laws drafted by the Department were enacted by the Legislative Assembly, among the more important of these being the Printing of Papers Law, the Public Health Law, the Imprisonment (Amendment) Law and the Housing Development Corporation Law. 22 items of subsidiary legislation prepared by the Department also became law during the year.

In December it was announced that the Attorney General, the Honourable D R Berwick CBE QC, had been appointed as Governor of the British Virgin Islands. He left the Cayman Islands in January 1982 to take up his new appointment and Mr J R Wilkinson, the Legal Draftsman, was appointed to act in his place. The Senior Crown Counsel, Mr P J Martin, came back for a second two year contract in February 1981.

During 1981 the Health Services Department placed more emphasis on Maternal and Child Health, incorporating into these services the Genetics Programme which will now be wholly financed by the Government. The combined services will be expanded to include Sickle Cell Disease, Hyper-tension and Diabetes.

At George Town Hospital the Out-Patients Department was renovated and the X-Ray and Laboratory Department is to undergo significant expansion. The Dental Clinic too will be expanded and the dental services increased with special emphasis on a school dental programme. In Environmental Health, the Rodent Control Programme and the all-island Clean-up Campaign continue to make useful contributions to Public Health. The School Health Service was expanded to cover examination, diagnosis and treatment of school age children, visits to schools, district clinics and possible direct contact and visitations to homes and families.

/The major

The major event for Education in the year 1981 was a review of the Education System which was undertaken by two Education Consultants from the United Kingdom during the month of October. Another important event was the opening of the Lighthouse School for the Handicapped, which is a jumping off point for a cohesive special education programme which aims at early diagnosis and correct placing of children deemed educationally at risk.

At primary level new Mathematic and Language Arts curricula were launched. The Physical Education Programme introduced in 1980 should lead naturally to a Health and Social Education Programme which is presently on the drawing board. A panel of six trained examiners has now been set up to compile and mark the National Achievement Tests to ensure that they are consistent and appropriate.

Phase 3 of the Middle School was completed and Phase 4 is due to commence shortly. The school reached its full complement in September 1981 with approximately 790 children on the roll.

The Cayman Islands High School multi-purpose hall and canteen was completed. The School set a record in examination passes for 1981. Both Ordinary and Advanced Level passes were the best in its history.

The Cayman Brac High School also showed significant improvement in examination results. The Certificate of Extended Education is now offered to students in their sixth year of secondary education at this school and it is hoped that a limited number of Advanced Level subjects can be offered in September.

The Community College in Grand Cayman continued to grow with more than 400 students enrolled in classes which take place four nights a week and must soon become an institution in its own right.

In-Service Training continued apace and the Sheffield Diploma Course entered its final stage. In 1981 three senior teachers were attending advanced courses at institutions in the United Kingdom and the United States. Seven Caymanian probationary teachers returned to

/take up

take up positions in the teaching service, and six additional teachers are due to finish this summer.

The Chief Education Officer, Mrs I Conolly MBE, retired at the end of last month after some 40 years service - and the progress here summarised is a fitting testament to the invaluable contribution which she made.

Mr Joyce Hylton MBE retired at the end of January 1982, having guided the development of social services with unfailing care since they first began in 1963. They have grown remarkably during that period - and there were noticeable increases in welfare services and court and probationary cases during 1981. Poor relief grants increased 72%; probationary cases increased 82% and court cases increased 50%. The point was reached when advice on reorganising and restructuring the department became necessary; and Mr John Harrison, Social Development Officer, will embark on this task in April.

Meanwhile, the Budget has been increased by $101,335 and it is hoped that an area not touched on - Alcohol and drug rehabilitation services - will be covered. Moreover, an additional Probation and Welfare Officer as well as a Social Worker are being recruited; and a female Youth and Community Worker has been newly appointed at the National Council of Social Services.

The National Council of Social Services continued its fund raising and goodwill effort, and special note is to be made of the Radiothon which netted $51,000. A few other highlights of the year were the opening of the Pink Hibiscus Coffee Shop on the Hospital compound and the sponsorship through the Caring Cousins Scheme of a multihandicapped blind girl who was sent to Hope School in Springfield, Illinois for two years.

/In keeping

In keeping with our social policies, closer co-operation is anticipated between Government and the various social clubs and voluntary organisations. Land has been purchased for the erection of the sports and cultural complex and plans were drawn up for the building. Land was also purchased for a Remand Home and a token vote made for its construction: $40,000 was voted for the operational expenses upon completion of the Home for the Aged now being built by the National Council of Social Services.

Bonaventure House is presently at capacity accommodating 16 boys. The boys earned both scholastic and athletic honours during the year.

The Public Library increased its membership greatly during 1981, the present totals being 882 adults and 830 children; and its activities expanded correspondingly.

The proper physical development of our natural resources is the direct concern of the Agriculture, Lands and Natural Resources portfolio and departments. The phenomenal growth of the economy is constantly placing greater demands on them.

Projects proposed for 1982 are:

(a) the designation of marine parks around the three islands;

(b) the development of the Agricultural Farm at Lower Valley;

(c) revision of the Development Plan 1977;

(d) the formulation of an oil spill contingency plan;

(e) completion of street naming for the three islands; and

(f) the introduction of a Building Code.

Although tides and rainfall were below average last summer, mosquito densities were higher than the past four year, due to less efficient control measures. The reduced control measures were due to the changes made by the manufacturer in the atomisers used on the spray plane, which resulted in too coarse a spray being emitted to kill flying mosquitoes. These changes have now been rectified.

Little Cayman enjoyed a measure of pest control for the first time since the Unit's inception. Starting in August a fogger mounted on a four wheel drive pick-up truck has been in operation.

Aedes Aegypti remains eradicated in the Cayman Islands. The significance of its eradication has assumed greater importance since the introduction of Dengue 4 in the Caribbean and the appearance of Dengue Haemorrhagic Fever and Dengue Shock Syndrome in Cuba.

During the year the Unit was only able to construct 4.6 miles of dyke and 9.3 miles of canal. This was due in part to one of the excavators being used elsewhere.

The number of applications for buildings and major developments processed by the Planning Department in 1981 declined by 5% from 1980; whilst the value of fully approved development dropped from $109.6 million in 1980 to $94.8 million in 1981, or approximately 13%.

Residential development, by value, compared with 1980, increased by 25%. Apartments/condominiums continued as the leading development sector, providing approximately 47% of all development.

Progress was made during the year on the adoption of the Building Code for the Cayman Islands. The Development Plan, 1977, is due for revision this year, in accordance with the Development and Planning Law.

A project for the development of the Lower Valley Farm has been prepared for implementation in 1982. It includes:

(a) an orchard;

(b) an experimental station; and

(c) a propagation unit.

Improved varieties of orchard crops have begun to produce high quality fruit such as avocadoes, mangoes, citrus and bananas. More and better honey continues to be produced locally.

/Other

Other farming enterprises had significant success during 1981. Furtherland Farms adapted farming techniques used in the vegetable growing areas of Southern Florida, increasing their production substantially as a result. Island Vegetables however lost many of their banana plants during the passing of hurricane Katrina in November. Cayman poultry farm continued to supply the islands with eggs. It plans to increase its flock, and possibly to start producing broiler chickens. Rothwells farm harvested record quantities of banana and plantain and propose to establish a tropical fruit tree orchard.

The Lands and Survey Department had another record year during which land values continued to rise, although more slowly than in 1980. More title surveys were carried out during 1981 than in any previous year.

The value of land transferred during the year increased to $60.6 million from $57 million in 1980. Stamp duty increased from $5.3 to $6 million. Debt secured on land showed the greatest increase - from $29.8 million to $69.7 million. The number of strata lots (apartments and condominiums) registered during 1981 rose to 371 from 223 in 1980.

The drawing office carried out an update of the large scale topographic maps in conjunction with the Survey Department. The new nautical charts (replacing the Admiralty charts made in 1881 by HMS Sparrowhawk) were made available to the public in May.

The portfolio of Communications and Works was actively involved in major projects in 1981 and will continue to be during 1982. Minor amendments were made to the Traffic and The Wreck and Salvage Laws. As a result of the Traffic Study conducted by Mid-South Engineering Company of Florida, traffic flow will be improved by the construction of new roads. A Water & Sewerage Bill will be introduced in 1982. This may well be one of the most significant pieces of legislation of the decade.

Cayman Energy Limited continued the ship-to-ship transfer off the Lesser Islands. Although the throughput of oil during 1981 was reduced by approximately 45%, the Company branched out into other areas related to the oil transfer business.

The Water and Sewerage Project office was established in November 1981. It has at present one Project Co-ordinator, one Technician and one secretary. The United Nations are aiding the Project and they have supplied a resident Associate Expert Engineer who will be working here for two years.

Government has declared its policy on water and sewerage. It will introduce legislation to protect the existing water resources; will create a Water Authority to administer this legislation; and will provide, in a phased manner, a public water and sewerage system to Grand Cayman for the operation of which the Water Authority will be responsible.

The Project Office is now drafting the legislation, carrying out a survey to establish the existing water and sewerage situation on the island and further investigating the Lower Valley lens to ascertain its value as a source for the public water supply.

Although the Post Office was short of staff during the second half of 1981, it is hoped that the vacancies will soon be filled. There was a large increase in mail last year. 91,069,369 pieces of mail were despatched and 104,410,904 received. An additional 375 private mail boxes should soon be installed to help cut down the long waiting list.

An expert in International Accounting from the Universal Postal Union is presently assigned to the Post Office for three months to organise the accounts, set up systems and train two members of staff.

/In 1981

In 1981 Public Works Department carried out a capital works programme costing approximately $6,000,000. This programme included roads, civil engineering works and the construction of many new buildings. Total recurrent expenditure was approximately $3,000,000.

In the 1981 road programme the main emphasis was on the continued upgrading of roads in subdivisions, and on determining the routes for new roads prior to gazetting. This year it is intended to spray and chip about 7 miles including the Northside/Farm road, the Newlands/ Barcadere road and numerous residential areas; to sand seal another 7 miles in residential areas; and to asphalt surface about 4½ miles, including 3 miles on the Bodden Town/Frank Sound road and 1 mile at West Bay. Work will start on the Barkers road in West Bay and will continue on the construction of CDB roads. The new road in Newlands is nearing completion. Roads are to be constructed linking Airport Industrial, Sheddon Road and Eastern Avenue to North Sound Road. The road maintenance programme will continue.

The principal civil engineering works carried out were at the Owen Roberts and Gerrard Smith airports and the Brac Dock - details are given separately. Works to be undertaken in 1982 include:

(a) the Tourist Landing pier at Spotts;

(b) an extension to the Tourist Landing area in George Town;

(c) a cargo apron at Owen Roberts airport;

(d) work on the access roads to the new Terminal Building at Owen Roberts airport, on the taxi ways and on apron construction, including lighting and the car park. This work will probably continue into 1983;

(e) in Cayman Brac work on the runway and the strip should be completed by August. The sea wall at the dock there, and the back filling and surfacing of the marshalling area will also be completed.

/In 1981

In 1981 the Department carried out a $3.4 million Capital Building Programme covering approximately 90 different projects. Details of the main highlights are mentioned under the relevant portfolios, as are those of the planned programme for 1982. A very heavy workload now falls on the Department's preventative maintenance section. Expenditure in 1981 was $344,000, representing a 155% increase over 1980. It will increase in 1982. The Section now receives on average 90-100 emergency calls a week, many of them after office hours or at weekends, requiring immediate action.

The fleet of government vehicles and heavy equipment was again upgraded and enlarged during 1981. Major purchases included a landfill compactor for a Public Health Department sanitary landfill project and a large excavator for the MRCC.

Progress has been made in the standardisation of equipment, with Caterpillar vehicles being used wherever possible. The heavy Ford trucks are now fitted with Caterpillar engines. A spare parts stores building was erected and will shortly be in operation. A United Nations adviser visited the Department during the year and reported favourably on the operation.

The Port handled 91,880 short tons of cargo last year - almost 20% below the 1980 record. A new quarry eliminated the need for imported aggregate, more than accounting for the entire drop. Indeed the 1981 revenue was almost $1.675 million, compared to $1.593 million in 1980, because the aggregate was charged a very low tariff.

After paying its recurrent costs and repaying $261,446 to the Caribbean Development Bank, the Port Authority's net revenue for the year was $382,677. It invested about $337,000 of this in equipment, both for Georgetown and for Cayman Brac, and in improved navigation lights.

/The new

The new port in Cayman Brac went into operation on 16 November last year. Revenue already covers its day to day operations and should make it viable in three to four years. Local staff for it were readily available on the island.

1981 turned out to be a difficult year for Caribbean tourism and only a few destinations were able to show any increase. There was nevertheless a rise in cruise ship visitors by over 28% and we expect substantial increases this year - over 140,000 being projected.

Stayover visitors, the backbone of any tourist industry, showed a modest increase of 3.6%. This was insufficient to fill the new rooms completed during 1981 (about 30% more than 1980) so hotel occupancies dropped. With even more rooms due for completion in the next 12 to 18 months, viable occupancies will be difficult to achieve. A new 10 year Tourism Plan was completed in late 1971 and is presently under consideration. It should provide a guideline for the industry's future growth.

Traffic at both Owen Roberts and Gerrard Smith airports increased last year. The extension of the runway at Owen Roberts Airport was completed. Work there continues on the installation of a complete set of lighting aids and on the construction of the new Civil Aviation Administration Office, Control Tower and Meteorology/Information Briefing Room. So does work on the runway and associated areas of the Gerrard Smith Airport. By the end of 1982 the runway and associated improvements there should have been completed. Plans to construct a new aircraft parking apron and terminal building are under consideration. A 48 seater Avro 748 has recently been purchased by Cayman Airways for the inter-island and other services.

At Owen Roberts Airport, additional land has recently been purchased for a new terminal building. Construction of this will begin during 1982. The existing parking apron will be extended to provide additional parking for private aircraft, access for cargo flights to the warehouse and an access to the area designated as maintenance and hangarage.

/During 1981

During 1981 the Fire Service maintained an establishment of 42 officers in the islands. Regular training programmes were conducted. Four new appliances were acquired for the Service, two for the Airport Section and two for the Domestic Service. One of the new vehicles purchased replaced the one destroyed in an accident. Throughout the year under review the Fire Service was able to cope with all incidents which they were called upon to attend. Funds have been provided in the 1982 Estimates to construct a sub-station in the Eastern districts of Grand Cayman and also to increase the establishment to provide adequate manpower. Airport coverage at both Owen Roberts Airport and Gerrard Smith Airports will be upgraded in keeping with international requirements. Equipment is now on order and should be received by the end of the year.

The Marine Training School continued to run a variety of courses, some part-time for High School students and others full-time for cadets or for assistant engineers. After completing courses at the School, the cadets and assistant engineers do their sea-time, then sitting the appropriate examinations. During 1981 three assistant engineers obtained licences in steam and diesel, and one cadet sat the 3rd Mate's examination.

At the Hotel School, courses were tailored to suit the tourist industry's needs and the availability of students - some full-time, some in the evenings and some part-time for High School students. Subjects included basic food preparation and service, front office work, professional cookery, condominium management and condominium housekeeping. The two year diploma course was linked with TCCI so that successful students could obtain Associate Degrees.

/The Housing

The Housing Development Corporation was established by legislation in 1981 and Members have recently been appointed. Talks are being held with the local financial institutions in an attempt to secure necessary financing for housing needs. 1982 will undoubtedly see much progress in this area when plans are finalised and financing becomes a reality.

A new Managing Director of Cayman Airways was appointed in March 1981 and subsequently certain staff changes were made during the year. Government provided the airline with almost $1.6 million in assistance during the year. Despite good payloads it is still experiencing financial difficulties, like most other airlines during these times. A very serious look will have to be taken this year at maximising its efficiency and making it self-supporting. As Cayman Airways was established to provide an essential service to these islands, the support of Members of this Honourable House will be necessary to ensure its continuance.

The Labour Office is staffed by three persons. Complaints and disputes have been handled by the Labour Officer in consultation with the portfolio. Most disputes have been resolved informally, but there is an increasing need for Labour Legislation to establish basic working conditions and terms of employment. It is intended to introduce legislation later this year.

May I in conclusion say how impressed I have been by all that I have seen during the past two months. By the vigour of the private sector; by the dedication of the many charitable, religious and service organisations; by the work of government departments and public officers; by the pride which All Caymanians rightly have in these islands, and by their care and concern for the whole community here.

/Under the

Under the circumstances, it is no surprise that there is such evidence of progress and prosperity. I pray that with divine guidance Honourable Members will so conduct the country's affairs that this progress and prosperity will be maintained, making 1982 another successful year for the people of these islands.

MR. CHADDOCK 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 THE DEBATE ON THIS ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED UNTIL MONDAY, 22ND MARCH, 1982.

SECONDED BY: CAPT. CHARLES L. KIRKCONNELL.

QUESTION PUT: AGREED. DEBATE ON THE THRONE SPEECH DEFERRED UNTIL 22ND MARCH, 1982.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: We will begin the business of the first meeting for 1982. "Administration of Oath".

OATH OF ALLEGIANCE ADMINISTERED TO MR. JOHN BRIAN WILKINSON BY THE CLERK

REPORTS OF FINANCE COMMITTEE MEETINGS HELD ON 16TH & 17TH DECEMBER, 1981 AND 29TH JANUARY, 1982 - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, in accordance with paragraph 4 of Standing Order No.67, I beg to lay on the Table of this Honourable House the Report of Finance Committee dealing with meetings held on the 16th and 17th December, 1981 and on the 29th January, 1982 to consider matters of supplementary expenditure.

MR. PRESIDENT: In accordance with paragraph (4) of Standing Order 67 the House is deemed to have agreed to the Motion.

HON. V.G. JOHNSON: Mr. President, in reporting on the business transacted by Finance Committee and the Report which has just been laid on the Table, I would first of all say that the business matters considered by Finance Committee were referred to it by the Governor under Standing Order 73 paragraph 1.

Mr. President, the meeting held on the 16th December, 1981 began first of all with giving Members of the Committee with His Excellency, the Governor present opportunity to say farewell or to pay farewell tribute to the Attorney General, Mr. Samuels who was leaving the country shortly having been appointed Governor of the British Virgin Islands. The meeting then proceeded to consider matters of supplementary expenditure.

The first item presented was a proposal to advance a sum of 1 million dollars to Cayman Airways to purchase a Hawker Siddley 748 aircraft for the Inter-Island service. That was recommended by Finance Committee.

The second item was a sum of $20,000.00 being a loan to the National Council of Social Services for the construction of a Pre-School. This was also recommended by Finance Committee.

The third item was a sum of $43,000.00 requested under Head 25. Tourism, Aviation and Trade. Sub-Head 10. Operating Expenses -Germany. It was found necessary to increase the vote under this item, because, although the Germany office had not been closed altogether, the activities had been wound down. Somewhat, it was found necessary to place the portfolio in funds to meet on going expense there.

The meeting then adjourned to the 17th December, the following day, to consider matters relating to new equipment that was being considered for Cayman Airways. And the decision of Finance

HON. V.G. JOHNSON (CONTINUING): Committee at that stage was that Cayman Airways should proceed to negotiate the lease of two 727-100 aircraft and to put the two BAC 1-11's currently in service on the market for sale.

Mr. President, another meeting of Finance Committee was held on the 29th of January, 1982 with three items to consider, two items of supplementary expenditure and the subject of Cayman Airways again.

The first supplementary was a sum of $104,000.00 requested to purchase a parcel of land at East End for proposed siting of a Civic Centre. This was recommended by Finance Committee.

The second second item of supplementary expenditure was a sum of $89,000.00 for the purpose of purchasing a dialysis kidney machine for the Government Hospital, but in the interim to be used by a former senior official of Government who was seriously ill, is still seriously ill, and had to be put on this kidney machine. He would use it at his home until such time that there were other urgent need for it at the Hospital. The sum of $60,000.00 was to pay for the machine, to pay for training of two persons to operate the machine and to buy other necessary material to operate the equipment.

These five items of supplementary expenditure, Mr. President, amounted to $1,197,000.00, and those proposals were recommended by Finance Committee to be ratified here today.

The third item dealt with at the meeting on the 29th January, 1982, as I mentioned before, was the subject of Cayman Airways. The subject was debated at great length, Mr. President, officials of the Airline were brought into the meeting to discuss the proposal for purchasing of new equipment. There seems to be varied views as to the type of equipment, there was also the indication that whatever steps were going to be taken had to be decided within a matter of hours or days. Finance Committee felt that this was somewhat reasonable as far as Government was concerned and that a matter as important as purchasing equipment, which could perhaps in the end cost either the airline or Government over $30 million was not a matter to be dealt with in the matter of hours or a few days. And so the Committee came to a conclusion after very long debate and examination of the question to recommend that the question of new equipment for Cayman Airways would rest for the time being, and that the company should continue using the present BAC 1-11s.

The Committee further recommended that because the Cayman Airways Royal Bank loan was on very hard commercial rates which placed great financial strain on both the airline and on Government to service, that the Government should consider liquidating that loan on the date of the next principle and interest payment which is the 17th of May this year. And that the amount which it cost this Government to repay that loan should be distributed to equity participation in the company and a portion be used as a loan to the airline which should be repaid on terms on condition to be agreed, which means, Mr. President, that the matter must be referred back to Finance Committee when firm figures are known because at that stage we were talking about principle and interest of essentially unknown quantity, we had no firm figures from the bank to say what the amount would be on the 17th May.

The figures are now known, these together with previous advances made to the airline have been added together, also the last advance made for the purchase of the new 748, and a paper is being circulated requesting a meeting of Finance Committee, perhaps this afternoon, after the adjournment of this meeting to deal with that particular subject. And, so for the purposes of this Report, Mr. President, I would say that we should only mention what was agreed by Finance Committee and await the details in another Report from Finance Committee to reach this Honourable House.

At that meeting it was agreed that the rate and the term for the loan should await the 1981 accounts. However, the accounts have not yet been completed, the audit is still in progress and the auditors

HON. V.G. JOHNSON (CONTINUING): have indicated that the earliest the accounts will be available is mid April. Because this is the last meeting of the Legislative Assembly before the payment is due to Royal Bank, it was thought that the terms and conditions in any case should be presented to Finance Committee and a decision reached during this meeting as to the liquidation of the loan.

Mr. President, Finance Committee also expressed the wish for certain Members to be appointed to the Board of Directors. That will also be mentioned in Finance Committee, two Members have been appointed to the Board and the third Member did not see fit to accept the appointment, but this will be reported to Finance Committee later on.

Mr. President, that is briefly the business conducted in Finance Committee on the dates mentioned, the 16th and 17th December, 1981 and 29th January, 1982, and which is contained in the Report which has been laid on the Table and which is now briefly being reported on. I would request the Members of this Honourable House to accept the Report, the business of which was dealt with in Finance Committee and which was accepted and recommended by the Committee. Thank you, Sir.

MR. PRESIDENT: In accordance with paragraph (4) of Standing Order 67 the House is deemed to have agreed to the Motion.

AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR 1980 - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House the Audited Accounts of the Government of the Cayman Islands for the financial year ended 31st December, 1980. Along with the accounts, Mr. President, will be the Auditor's comments and the replies by the Government of the Cayman Islands.

Mr. President, I just omitted to say in laying these documents in the Table that the purpose is to refer them to the Public Accounts Committee.

MR. PRESIDENT: In accordance with paragraph 4 (4) of Standing Order 67 the House is deemed to have agreed to the Motion.

STATEMENT BY HON. G. HAIG BODDEN - RE. COMMONWEALTH DAY MESSAGE - LAID ON THE TABLE

HON. G. HAIG BODDEN: Mr. President, I beg to lay on the Table the Commonwealth day message, which had been published in London on Commonwealth Day, March 8th, 1982.

MR. PRESIDENT: Thank you. We will proceed next to questions.

QUESTIONS

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

No. 1 Will the Member make a statement concerning renovations and/or repairs on the house located off North Church Street which was recently purchased by Government at a cost of CI$375,000.00, stating the cost thereof?

HON. G. HAIG BODDEN: Mr. President, since the question concerns the repairs of a Government building, I have been asked to give the answer.

ANSWER:

Expenditure up to 12th March, 1982 on the apartments owned by Government on North Church Street was CI$6,000.00.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, with your permission I should like to ask a supplementary question. Was this expenditure for repairs or furnishing? Could I have an answer, please?

HON. G. HAIG BODDEN: Mr. President, the CI$5,000.00 was used to pay for minor repairs, plumbing, painting, and electrical. Some of the work done was repairs to locks and operating mechanisms of doors and windows, repairs to cupboard drawers, door hinges, filling cracks in the concrete walls, repairing some panelling, replacing some eaves boards, painting inside and outside.

CPAT. CHARLES L. KIRKCONNELL: Mr. President, a supplementary. Have the repairs been completed or are the repairs still going on, and if they are, what is the estimated cost of the total repairs?

HON. G. HAIG BODDEN: Mr. President, in the Estimates for 1982 a figure of $12,000.00 had been allocated for this building. It is also expected that the $7,000.00 will be spent during this year. A new pump house has to be built and some changes have to be made in the plumbing and electrical systems, so that the occupant of each apartment will be responsible for his or her respective utility cost.

MR. CRADDOCK EBANKS: Mr. President, one supplementary. Could the Member state how many rooms this apartment contained when purchased?

MR. PRESIDENT: I am not sure that that really arises from the original question which simply concern repairs and renovations. We are straying a little bit far, if the Member has the information I will allow him to give it, but supplementaries really should arise out of the answer to the original question, and I am not sure that that does.

HON. G. HAIG BODDEN: Mr. President, I can give the answer. It is a two storey building and it contains one four bed room, one three bed room and two two bed room units, so it is a total of four separate apartments with the rooms mentioned.

MR. BENSON O. EBANKS: Mr. President, a supplementary. Would the Member state whether the state of repair of this building is now such that it is ready for occupancy by Government employees, and whether all apartments are so occupied?

HON. G. HAIG BODDEN: I do not know the answer to that question, Mr. President, but before the building was bought Government's quantity surveyor examined the building and made a report to Government of the repairs that would be necessary and an estimate was created at that time to carry out the repairs, but I cannot say whether at today's date if the repairs are complete.

MR. PRESIDENT: If there are no more supplementaries perhaps we can pass on to the next question.

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND TRADE

No. 2 Will the Member inform this Honourable House when the audited accounts of Cayman Airways for the period ended 30th June, 1981 will be made available to Members?

ANSWER:

The Auditors of the Accounts of Cayman Airways Limited have advised that the Audit for the period ending 30th June, 1981 will be available by 15th April, 1982.

MR. PRESIDENT: Are there any supplementary questions? If not, perhaps we may pass on to the next question.

MISS ANNIE H. BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, CIVIL AVIATION AND TRADE .....

No.3. Will the Member state the cost of new uniforms, bags, etc., for the members of staff of Cayman Airways designed and made in New York and recently modelled and displayed?

ANSWER:

The cost of new uniforms for the stewardesses employed by Cayman Airways Limited was US$20,568.00.

SUPPLEMENTARIES:

CAPT. C.L. KIRKCONNELL: A supplementary, Mr. President. How much did it cost to equip each hostess with uniforms and bags?

HON. JAMES M. BODDEN: Mr. President, we employ twenty-four stewardesses.

MISS ANNIE H. BODDEN: Mr. President, with your permission, Sir, I should like to ask a supplementary question. And the question is this, could these uniforms have be made in the Island of Grand Cayman without having to be made in New York?

HON. JAMES M. BODDEN: Mr. President, that is an opinion and under Standing Orders I am not allowed to give an opinion on such a question, Sir.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Could the Member say how many uniforms each stewardess will have?

HON. JAMES M. BODDEN: Each stewardess will have four uniforms.

MR. BENSON O. EBANKS: A supplementary, Mr. President. Could the Member state whether bids were obtained for the uniforms to have been designed and made locally?

HON. JAMES M. BODDEN: Would the Member repeat that question please?

MR. BENSON O. EBANKS: The question is, whether bids were obtained for the designing and making of these uniforms locally?

HON. JAMES M. BODDEN: To my knowledge,no, because it probably would have been more.

CAPT. C.L. KIRKCONNELL: Mr. President, a further supplementary. Does the Member consider this expenditure prudent in the face of the deficit which this airline is costing this country?

HON. JAMES M. BODDEN: Mr. President, that is asking me to express an opinion, but in the light that it is given I will express the opinion. and the opinion is, that the stewardesses as well as the flight officers are our ambassadors abroad and do represent the Cayman Islands, and for the few dollars involved here, they have always been furnished with uniforms and I see nothing wrong with it, and I would ok it again if I had cause to do so.

MR. BENSON O. EBANKS: A supplementary, Mr. President. Could the Member state whether the cost given in his answer includes the cost of the party at which the uniforms were modelled?

HON. JAMES M. BODDEN: Mr. President, that is not a question that is relevant to the original question.

MR. PRESIDENT: I would rather agree, and I think I was about to say that myself. I do not think that is really a supplementary, if you want to find that information you should put down a question seeking it.

MISS ANNIE H. BODDEN: Mr. President, Sir, with your permission I should like to ask the Honourable Member how often is it necessary to change these uniforms? I do not mean to change dress, I mean to change the style and the design.

MR. PRESIDENT: Again I think we are in danger of straying from what is a true supplementary question. The original question was the cost of the new uniforms. If the Member has the answer I can say that perhaps stretching it a little this could be a proper supplementary.

HON. JAMES M. BODDEN: Well, Mr. President, we would like to keep them trim and looking good, and we may do this every year.

MR. CHADDOCK EBANKS: Mr. President, I do not expect an answer on this, but I wonder what it would cost for a uniform if the stewardess was going to London to meet the Queen?

MR. PRESIDENT: Well, I think it is quite right that you should not expect an answer to that, because really it is not a supplementary that arises out of the question that was first asked.

HON. JAMES M. BODDEN: Mr. President, if they were going to England to meet the Queen they would go in the same uniform they wore on the flights to Miami, Houston and to Kingston.

MR. PRESIDENT: If there are not further supplementaries, perhaps we can pass to the next question.

MR. D. GILMAN EBANKS OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS:

No.4. Will the Member make a statement concerning the operations of the new police patrol boat and whether a full crew has been recruited?

ANSWER:

1. (a) The police boat known as Lima III "Sea Hunt" has been in use for trials, training exercises and limited acquisitional work.

(b) The most recent operation occurred on the 1st March, 1982 when the "Sea Hunt" towed to safety the fishing boat "Michel Ann" owned by Mickey Conolly which had broken its moorings in North Sound during a squall and had gone aground.

2. Lima III is not a boat which will be used 24 hours a day 7 days a week, but instead, will be used primarily for deep sea duties such as -

(i) air/sea rescue;

(ii) major operations against positive targets, i.e. suspected drug smuggling boats and surveillance work. (These matters are considered confidential and only results would normally be made public);

ANSWER TO QUESTION NO.4 (CONTINUING):

(iii) whilst the "Sea Hunt" would patrol on special occasions, mainly at night, but must be reserved for major operational duties.

Advertisements have appeared in local newspapers for 3 seamen and 1 marine mechanic but no appointments have as yet been made. Currently 1 captain and 2 seamen are operating the police boats supplemented by experienced police officers as and when necessary.

SUPPLEMENTARY:

MR. DALMAIN D. EBANKS: Mr. President, a supplementary please. Could the Member say whether Members of the Legislature would be accepted to help to recruit the crew for this boat?

HON. D.H. FOSTER: Mr. President, I would suggest to the Member, Sir, if he knows of anybody that is interested in applying for the job, I think the interviews are taking place next week and by all means send them along to the Commissioner of Police and make them put in their application and so on, Sir.

MR. PRESIDENT: If there are no further supplementaries perhaps we may pass 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.5 Will the Member inform this Honourable House the stage of development reached in respect of the sporting complex to be erected in Grand Cayman?

ANSWER:

The final report on the sports and Cultural Complex was received on March 15th, 1984. This report will now be scrutinized by Government and a decision taken as soon as possible.

MR. PRESIDENT: If there is no supplementary, perhaps the Member would like to ask his next question.

MR. DALMAIN D. EBANKS OF WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

No.6. Will the Member state when it is expected that the playing fields in the various Districts will be upgraded?

ANSWER:

Ongoing site works are being done on all playing fields. Aspects such as fencing facilities and maintenance have been budgeted for in the current estimates.

MR. PRESIDENT: Any supplementary questions?

SUPPLEMENTARY:

MR. BENSON O. EBANKS: A supplementary, Mr. President. I presume that the answer refers to existing fields, could the Member state whether the report which has been received makes any recommendations for additional fields in the districts?

HON. TRUMAN M. BODDEN: Mr. President, the report was only submitted less than two days ago, and while I am fairly quick at reading I have not been through it yet.

MR. PRESIDENT: I rather think that supplementary related to the question before.

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

GOVERNMENT MOTION NO.1. - CINEMATOGRAPHIC AUTHORITY

HON. D.H. FOSTER: Mr. President, I beg to move Government Motion No.1 which reads as follows:-

WHEREAS under Section 2 of the Cinematograph Law, Cap. 18, provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly and one member nominated annually by the Governor to carry out the stipulations of the above-cited Law and Rules made thereunder.

BE IT RESOLVED that the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 17th day of March, 1982:-

Mr. Craddock Banks, JP.
Mr. D. Dilwyn Banks
Mr. J. Gareton Smith.

MR. PRESIDENT: Does any Honourable Member wish to speak on the motion? I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO.1 PASSED.

FINANCE COMMITTEE

HON. V.G. JOHNSON: Mr. President, I would like to notify the elected members of this Honourable House of the proposal to meet in Finance Committee at 2:30 this afternoon.

MR. PRESIDENT: Thank you.
I think it is time now to interrupt business, and I will ask the Chief Secretary to move the motion on the adjournment.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

MR. PRESIDENT: Does anybody wish to speak to the motion?

HON. JAMES M. BODDEN: Mr. President, I do not wish to really speak on the motion, but I would like on behalf of MLA Gareton Smith to extend apologies to yourself and to the House for him having to leave us Miami with his wife who was ill. He asked me to relay that to the House.

MR. PRESIDENT: I am sure it would be the wish of the House that I should record that we all regret his absence, particularly the cause of it, and hope that his wife makes a swift and complete recovery.

QUESTION PUT: AGREED. AT 12:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. MONDAY 22ND MARCH, 1982.

STATE OPENING AND
FIRST MEETING OF THE (1962) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON MONDAY, 22ND MARCH, 1982

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G ARTHUR LLOYD, CMG, PRESIDENT

GOVERNMENT MEMBERS

HON L F FOSTER, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & POSTAL AFFAIRS
HON J F WILKINSON, LL B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON R G JOHNSON, OBE, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE & DEVELOPMENT
HON JOHN P MCLEAN	MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON THOMAS M FODDEN	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M FODDEN	MEMBER FOR EDUCATION, CIVIL AVIATION AND TRADE
HON G PELT FODDEN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

* DR J CAMERON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST DAY
MR J DARMAIN EDWARD	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST DAY
MR ANDREW C JONES	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST DAY
MR W DONALD WOODEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE MILDRED FODDEN, 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 CHADWICK EDWARDS, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

* (absent - Apologies received)

ORDERS OF THE DAY

MONDAY

23RD MARCH, 1998 AT 10:00 A.M.

1. QUESTIONS:-

MISS ANNIE HUDAH ROOPEN OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 7: Will the Member make a statement concerning the back-log of work in the Department of Lands and Survey which causes persons to have to wait long periods, even up to 6 months before new numbers are allocated to sub-divided lands and stamp duty cannot be collected until the necessary information is given to the land transferee and/or transferor?

MISS ANNIE HUDAH ROOPEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 8: Will the Member make a statement concerning the work and future plans of the Aquatic Centre?

MISS ANNIE HUDAH ROOPEN OF GEORGE TOWN TO ASK THE HONOURABLE SPECIAL OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 9: Will the Member state the total amount of revenue collected from the various Lands as from the 2nd of January, 1998 until the 12th day of March, 1998?

MR D MALCOLM BRANKS OF WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.10: On the 22th of December, 1997 an amendment was approved by Executive Council to the Traffic Regulations (Amendment No. 6) which provided that any device applied to the windscreen of any motor vehicle which would diminish the transparency thereof in either direction is unsafe unless it is part of the maker's standard equipment or is specifically approved by the Governor.

Will the Member make a statement whether there have been complaints by the Governor in certain cases and what action has been taken in cases where motorists operate vehicles contrary to the provisions of the above amendment Regulations?

2. DEBATE ON THE THRONE SPEECH
DELIVERED BY HIS EXCELLENCY THE GOVERNOR, MR C DYMOK SLOCK, CMG, AT THE STATE OPENING OF THE LEGISLATIVE ASSEMBLY ON WEDNESDAY, 11TH MARCH, 1998.

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MONDAY

22ND MARCH, 1982

10:00 A.M.

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

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

NO. 7: Will the Member make a statement concerning the back-log of work in the Department of Lands and Survey which causes persons to have to wait long periods, even up to 4 months before new numbers are allocated to sub-divided lands and stamp duty cannot be collected until the necessary information is given to the land transferors and/or transferees?

ANSWER: There are a number of prerequisites which must be met before numbers are issued for a sub-division. Delays are frequently caused by failure to meet all of these requirements. At present, the average time taken to complete a survey from checking through payment of fees to creation of new registers, is approximately thirteen weeks. The reason for this lengthy period is due to the fact that quite a number of very large surveys and strata plans have all been deposited for registration within a relatively short period.

SUPPLEMENTARIES:

MISS ANNIE HULDAH BODDEN: Mr. President, with your permission I should like to ask a supplementary question.

Is it not possible that we could have some extra help there to get these new certificates and numbers in less than thirteen weeks?

HON. JOHN D. MCLEAN: Mr. President, the matter is being looked into and hopefully within a short time we will resolve this problem.

MISS ANNIE HULDAH BODDEN: Mr. President, Sir, with your permission I should like to ask another supplementary question.

Would it be possible if more staff were added that we could have a little quicker service?

HON. JOHN D. MCLEAN: Mr. President, I think what the Lady Member is proposing is it is quite possible with more staff we should get it up to date. I have just mentioned to her that we are presently looking into the situation and if it means putting on more staff, so be it.

MISS ANNIE HULDAH BODDEN: I am sorry, Sir, I did not hear the reply before.

MR. PRESIDENT: I am afraid I did not hear the Honourable Member.

MISS ANNIE HULDAH BODDEN: I said I am sorry, Sir, the first reply I did not hear too clearly - only to why I repeated it.

MR. PRESIDENT: I have understood. I think we all and the Member himself had some difficulty.

MR. CRADDOCK FRANKS: Mr. President, could the Member say with the Department finding itself with this back-log if they have ever appealed to Government for further help to alleviate such as this?

MR. PRESIDENT: Sir, I did not quite hear the question.

MR. CRADDOCK FRANKS: Could the Member say if the Department has ever appealed to Government for more help to alleviate this back-log that has accumulated?

HON. JOHN B. MCLEAN: Mr. President, to employ additional staff would be to introduce chaos as all available space is now being utilised to house the present staff complement. And also if new staff were brought in, Sir, it would mean that they would have to be trained and this in itself would take a much longer time.

MISS ANNIE HULDAH BODDEN: Mr. President, another supplementary, Sir, with your permission.

Would it be possible to re-instate the last deputy there for a few weeks to bring up this back-log of work?

MR. PRESIDENT: I do not think that the Honourable Member should be expected to answer questions about the appointment of particular individuals since it is not within his power to select individuals for appointment. He has already said that he will consider increasing the staff and I have no doubt he has taken the point you have made without having to answer the question.

MR. CRADDOCK FRANKS: Mr. President, I am not satisfied with the answer that the Member gave as to the training of further staff.

MR. PRESIDENT: Order, order. The Member must ask a question supplementary and not make a statement.

MR. CRADDOCK FRANKS: I was coming to the point, Sir. However, I obey, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, could the Member state the average time it would be take for the registrar to process papers?

HON. JOHN B. MCLEAN: Mr. President, it takes on an average approximately six weeks from the time a survey is checked until a new register is issued.

MR. PRESIDENT: If there is no further supplementary, we can pass on to the next question.

MISS ANNIE HULDAH BODDEN, OBE, OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 8: Will the Member make a statement concerning the work and future plans of the genetic programme?

ANSWER: The genetics programme was developed between the United Nations Fund for Population Activities (U.N.F.P.A.), Pan American Health Organization (P.A.H.O.) and the Cayman Islands Government as a three year project on 1st January, 1979 in an effort to minimize the number of births of genetically affected children. Funding was made possible through U.N.F.P.A. US$145,750 and the Cayman Islands Government contribution of US$219,000. Through these

funds equipment was purchased and clinics were initiated on a twice monthly basis in each district.

A total of 564 patients have been seen over the duration of the project for the compilation of pedigrees, genetic counselling and family planning.

The project ended on 31st December 1961 as far as funding by U.N.F.P.A. is concerned. Services are continuing and are being incorporated into a Family Health Programme which will be included within our Primary Health Care Activities. In support of these services, the 1962 Estimates have provided for an expenditure of C$30,000 for the continuation of genetic services. Plans for the future include the purchase of additional equipment and the introduction of various specialty clinics.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: *Supplementary, Mr. President. Would the Member state whether the US$145,750 mentioned in his reply was the total sum committed by U.N.F.P.A., and if so whether all of these funds were received for the project?*

HON. TRUMAN M. BODDEN: *The answer to the first sub-question is "yes", the answer to the second is "Yes, in the form of services and funds."*

MR. BENSON O. EBANKS: *Further supplementary, Mr. President. From the US$249,000 committed by Government, it is understood that consultants' fees were to be paid to Columbia University. Could the Member state whether these were paid in toto and whether services as expected were received during 1961 for the funds expended?*

HON. TRUMAN M. BODDEN: *The question appears to have two parts. The first part is payments were made for such services as the Government felt were legally tendered and were relevant to the programme. As to the second part, the services which were given, whether or not they complied fully with the contract, were paid on a basis of services rendered.*

MR. BENSON O. EBANKS: *Mr. President, am I to understand then that the contract with Columbia University was on the basis of work performed rather than payments to be made at a certain period?*

HON. TRUMAN M. BODDEN: *Mr. President, no contract is ever made on the basis as such of what future work falls specifically within it. What services within the contract were performed then payment was made. The contract was wide in some respects, and not all services within it were completely performed.*

MR. BENSON O. EBANKS: *Further supplementary, Mr. President. Could the Member state whether the programme suffered any ill effects as a result of not receiving full services from the consultancy?*

HON. TRUMAN M. BODDEN: *Mr. President, that seems to be an expression of opinion under 22(1) Sub-rule (a) of the Standing Orders but if you order that I must answer it I will.*

MR. PRESIDENT: *I think it is a reasonable question to ask whether the programme suffered as a result.*

HON. TRUMAN M. BODDEN: *As you rule, Sir. The answer is that the programme did suffer to a certain extent as a result of it.*

MR. BENSON O. EBANKS: *A further supplementary, Mr. President. Could the Member state whether Government intends to use any outside consultant for the future in the programme?*

HON. TRUMAN M. BODDEN: Yes, Sir.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. Have these arrangements been concluded? and could the House be told where these services will be coming from?

HON. TRUMAN M. BODDEN: The answer to the first part is "no", therefore the second part of the question falls away.

MR. PRESIDENT: If there is no further supplementary perhaps we may move on to the next question.

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

No. 8: Will the Member state the total amount of revenue collected from the various heads as from the 2nd of January, 1982 until the 12th day of March, 1982?

ANSWER: The total amount of revenue collected for the period 2nd January to 12th March, 1982 is CI$12,196,180.

SUPPLEMENTARIES:

MISS ANNIE HULDAH BODDEN, OBE: Sir, with your permission I should like to ask a supplementary question. Would the Member be willing or able to state how does this compare with 1981 collections for the same period?

HON. V.G. JOHNSON, OBE: Mr. President it compares well. I am sorry I cannot give the percentage figure and so on.

MR. PRESIDENT: No, I think that is understandable. If the Member had wanted comparative figures they should have been sought to start with. It's a little much to expect the Hon. Member to be able to present them now but he might be willing, if they are readily available, to pass them to you later. I do not know whether they are available on a day by day basis.

HON. V. G. JOHNSON, OBE: They can be made available month by month, Mr. President,

MR. PRESIDENT: Yes.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, can the Member state whether the revenue collected has exceeded the amount which is in the Estimates for 1982 through this period?

MR. PRESIDENT: You mean the amount expected to be raised by the 12th of March?

CAPT. CHARLES L. KIRKCONNELL: Yes, Sir.

HON. V. G. JOHNSON, OBE: Mr. President, the system of revenue collection in Government is such that at the beginning of the year, for instance for the first three or four months of the year, the bulk of revenue is collected, because this comes from Bank Licence fees, Company Registration fees and other licensing fees, motor vehicle and so on: and so within those four months of the year the Government collects perhaps about 3/4 of its revenue - not exactly 3/4 but perhaps about 3/4 of its revenue- and so for the other part of the year the monthly collection falls away from the basis of the first four months of the year.

HON. V.G.JOHNSON (CONTINUING): What might be a better measure for the first three or four months revenue collection is to compare it with the same period the previous year. And as I said, this compares very well because we are collecting the bulk of revenue in the early part of this year. And $12 million will indicate that this is perhaps a bit more than a quarter of the revenue for the year so far.

MR. D. DALMAIN EBANKS OF WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 10: On the 27th of December, 1978 an amendment was approved by Executive Council to the Traffic Regulations (Amendment No. 6) which provided that any device applied to the windscreen of any motor vehicle which would diminish the transparency thereof in either direction is unsafe unless it is part of the maker's standard equipment or is specifically approved by the Governor.

Will the Member make a statement whether there have been approvals by the Governor in certain cases and what action has been taken in cases where motorists operate vehicles contrary to the provisions of the above amendment Regulations?

ANSWER: (a) Since the coming into effect of this sub-regulation, approval has been given by the Governor in Council to darken the windows of only one vehicle. That is the Prison Personnel Carrier.
(b) One motorist has been prosecuted under this amendment and was convicted and jailed.
(c) Traffic licensing department does not certify any vehicle as being road worthy if the darkening device is applied to any of the glass.
(d) Any motorist that applies the device, after the vehicle is licensed, is stopped and warned. If the device is not removed the driver is prosecuted under the Law.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS, JP: Mr. President, if I may ask the Member a supplementary.

The answer he given in the fourth paragraph that if a motorist is discovered with the coloured glass he is stopped and warned. I wonder if the Member can say why in much more frivolous instances of violations they are not warned.

MR. PRESIDENT: Order! Order! I do not think that is for the Member to answer. It is the responsibility of the Police and the Attorney General.

HON. O. NAIC RODDEN: Mr. President, perhaps I could throw some light on this. The answer as prepared for the Assembly did not contain and could not contain some very recent developments in a Memorandum which I just received from the Traffic Department. They mention that 11 motorists have been handed traffic tickets for this offence.

What apparently happened, is, that in the early stages the motorists were simply warned and most of them complied with removing the obstruction from the vehicle but now the police appear to be cracking down and in this Memorandum which is dated the 16th March and which came to me since the answer was prepared, they have taken action by issuing 11 traffic tickets and in fact there is one other interesting case in which the police chased a Toyota vehicle on the West Bay Road because it had a darkening device on it, the occupants were charged with possession of ganja which was found in the vehicle. So I think the enforcement is properly in hand at this stage.

MR. PRESIDENT: If there is no further supplementary we can move on to the next item on the Order Paper.

DEBATE ON THE THRONE SPEECH

THE PRESIDENT: Does any Honourable Member wish to speak?

MISS ANNIE H. BODDEN: Mr. President, Sir, I had been warned by my constituents not to begin this debate but this happened in the last instance and my reason for not wanting to start is this: that if I make one little mistake I am attacked afterwards, but since the men are afraid to start I will begin.

The first thing, Sir, is a welcome to you and your wife for coming to be our Governor. We welcome you, Sir, and we feel that we are greatly privileged to have a person who would come to our midst and who will try to meet the people as you have tried to do, Sir. That is the secret of any successful reign as a Governor. Meet the people, let the people know that you are willing to talk with them and to put their case before you. I feel, Sir, that all down the ages we, as far back as I can remember, Sir, we have had good men at our helm and, unless we continue in that trend, we shall come to disaster. A ship is only as good as it is steered by the Captain. When the crew takes charge there is disaster, but I feel, Sir, that with an able man at the helm as we have had in the past, we shall continue to steer a successful course.

It is only two months since you have been here, Sir, but I feel that during these two months you have learned a lot about us. Now we are not all good people, we are sometimes very stubborn, very obstinate, wanting our own way, but we feel that if we are kept in subjection, not as tyrants but as human beings and you guiding us, we shall continue on the same good form of Government that we have had in the past.

Now Mr. President, I am quite an old lady and from before I was 16 years old I was acquainted with Government and its movements. The first Budget that I ever saw there was the measly sum of $10,000 for expenditure, $10,005 for the revenue, and $5 to carry on with and we managed to keep our finances going, we managed to survive somehow: it was not an easy job but we put ourselves in the position where if we had $5 to spend we did not try to spend $10. We continued, and, thank God, with His guidance, today I consider we are a rich country.

Now, Mr. President, from the start I did not think that we were able to spend $40 million and I see that there has been some saving. We have had some uncompleted projects and vacancies together with prudent spending and financial control. The surplus from 1981 was $4.63 million. We have had an excellent financial year and I am very happy to know that we have $21 million in reserve. I think that is a feat that we should be proud of. That this little Island with only 17,000 people could accomplish such a feat.

Now, Mr. President, we do not owe this success strictly to Caymanians. We owe that to investors who have come here and invested, we owe it to banks, we owe it to the offshore business which we are able to conduct and I feel that we should not lightly think that we, as Caymanians, have accomplished all this. We have accomplished

MISS ANNIE H. BODDEN (CUMMINS): a lot and I will never class myself as a second-class citizen. I say Cummins are first in everything except we have not got too much education, but we have common sense.

I heard a former colleague of mine tell an honourable President that it was being said that Caymanians were uneducated. Well, my colleague said "it is a good thing that we are, because if we had education along with our common sense we could rule the world". Well, I do not think we are that smart, but anyhow we could do a great deal.

The Customs had a record in 1981 and they exceeded that estimate by 21%. Real Estate transactions were enormous and totalled $63 million. Mr. President, one thing I am a bit alarmed about is this, that I hope we are not selling our birthright altogether. I wonder about generations to come, if there will be any land left where they can build. We should think very seriously about this and those who have children - unfortunately I have not got a soul with a drop of my blood - those who have children should look out and try to preserve some land for generations to come.

Mr. President, had it not been that those old time people tried to invest and keep some land, what would happen today? We would not have this prosperity, this amount of money that we have in circulation, but because those old, sensible people tried to lay up something for their future. They did not have any money but they had the foresight to know that land was their bank account.

Now, Mr. President, I pride myself as being one of the parties who fought so hard to get the Currency Law in effect and for us to have our own currency. I think that has been a boom- I am sure it has. There was only one little handicap and that was that most everyone in this Assembly wanted to have their pictures put on that money. Everywhere I went (I believe it was said to tease me) "we are going to have our pictures on that. We want so and so." I said as far as I was concerned let us have the effigy of the Queen and that was the only thing. Well, anyhow, we succeeded and today that Currency Law that we passed has been a great asset for our Island.

The assets have increased ten-fold during this period. They now exceed $12 million. I am very sure when we passed that law in 1972 we did not think that we would have such great results.

Now, Mr. President, before I proceed any further, I would like to pay my compliments to the Financial Secretary. I feel today that we are losing a great man and I hope and pray and trust that his successor, when he has put in that number of years that our present Financial Secretary has, that he will have a good record. Mr. President, the success of anything is sticking to the job and I feel that our present Financial Secretary has done a marvellous job. I first met Mr. Financial Secretary in 1946 at the Post Office and I found from then that he was a hard-working man, his handwriting so beautiful it really struck me as a man who could write like that and keep accounts in that meticulous manner would eventually make good and he has. I congratulate him on his success and I hope and pray and trust that God will spare him for many years to come to carry on his good work in some other field.

MISS ANNIE E. BODDEN (CONTINUING): Now, Mr. President, I am not happy about the prison. I feel, Sir, that our behaviour is deteriorating. In olden days when we heard that we had 6 or 7 people in prison it was counted a disaster. A prisoner in those days was treated very poorly and unkindly I must say. But we have the facilities now but I am not happy that we have such a large crowd in the prison. I am very sure, Sir, that it was a great boom that we tried to set our own prison. Sending our prisoners overseas did not help any. They might have gone wherever they went in the ABC grade and they came back college graduates knowing worse than they did when they left here.

Now we have in this prison, a proper training staff. We have a good crowd looking after the prisoners and I am very sure they are well treated.

Now, Mr. President, about immigration. I am a firm believer, Sir, in justice and in the olden days when we were down to the dumps in poverty, anywhere Caymanians heard there was work they went. They were gratefully received, they earned their livelihood and it helped to build this country. Now I say, Sir, that we need to import people but those people should be screened. We should not allow any Tom, Dick and Harry to come here to participate in our way of life. We should see that they are proper people, not criminals. They might have money but money is not the point. We must look for people who have character and people who can help to build our islands and continue the trend that we are going.

Now, I am not too happy, Sir, about the Protection Board. I feel, Sir, that we have .....

MR. PRESIDENT: Could the Honourable Member speak into the microphone. I think people may have difficulty in hearing.

MISS ANNIE E. BODDEN: Some action to the Protection Board. I feel, Sir, that we should give each man a fair trial. I have known cases where people have had to leave the Island, no just cause was given, they had to pull up roots and go. I feel, Mr. President, that if I am accused of anything I should be told and if I am doing things contrary to law I should be asked to leave. But good citizens who came here to assist us, we should give them our protection. And I am hoping very soon that the Protection Board will be given some new directions as to how to deal with this law.

I am very certain, Sir, that some people have been asked to leave and they have been greatly embarrassed, they have lost money and it was not a fair trial as far as I am concerned. Of course, Sir, I am a very minute human being. Big in size but no power when it comes on things I have no dealings with.

I will agree, Sir, that the Government is very generous. In fact, sometime I feel that we are a welfare state. I think the people depend too much on Government. Things that they could do for themselves they should do, and leave Government to carry on the things that they cannot do. But asking Government for everything is too much. It is taking tax-payers money to help a few who could easily help themselves.

MISS ANNIE R. BODDEN (CONTINUING): Another great asset, Sir, is the Broadcasting Station that we have had created. Now, Mr. President, I am sure you will not believe this, but we had a fight to get that going. There were men in this Chamber who stood up and said "it is foolishness. No need for it", but we, the strong Government we had then, we fought it and we made one mistake. We should have insisted that we had television installed at the same time. Nevertheless, the broadcasting station is a wonderful thing. People who cannot read newspapers, who are too ill to get around to see what is happening, they can always hear the broadcasts which, I am sure, enlighten one and all.

I am very proud that Caymanians are able to help and to perform their duty in this field, and I am sure, Sir, that we should never, never, ever say that we do not want a system such as we have.

At Little Cayman there was a great milestone as well as at Cayman Brac. I feel, Sir, that we should treat them as younger sisters, not talk about the "Lesser Islands", they are not lesser. In fact, and I am sure I will not be popular for saying this, but Cayman Brac people seem to have more determination to help themselves than we in Grand Cayman.

I cannot close my debate, Sir, without referring to the advance in the police. They have come a long way, Sir. We have good police and I feel that they are doing a marvellous job. They are helping in any way, of course they are human beings and they make mistakes, but it has improved terrificly and I must congratulate the leader of that force for the work that he has performed.

Mr. President, the people of Little Cayman and Cayman Brac were distressed that they were not able to secure a man on the Exco. I myself thought that they should have had representation, nevertheless I am happy to hear that things have been sorted out and that the Honourable Chief Secretary is filling the place. I hope in the 1984 elections that they shall have representation.

The Legal Department is doing a marvellous job. We have good laws made. We had a few laws that I disagreed with, Sir; one of them was the Mental Health Law and another one was the Restriction of Publications. I was not happy with either of these because I felt, Mr. President, that we should not legislate for any particular group of people. It should be for the general public and I am not happy that those two laws were not legislated to suit individuals.

Now the hospital. I have had some good reports about that and some bad ones. People are now saying that they have not got sufficient equipment: they have good doctors, fairly good nurses but not sufficient equipment. Mr. President, I feel the health of the people is a great necessity and that we should do everything possible to see that that hospital is properly equipped. I look forward, Sir, during your administration if you could assist us in that.

MISS ANNIE H. BODDEN (CONTINUING): Now, education has gone a long, long way. When I went to school first it was a very hard thing to try to learn - about 150 of us in a little building not much bigger than this Chamber; in fact I do not think it was this big. Nevertheless we succeeded, we fought, and when I was 15 years old, Sir, I passed the Third Year Pupil Teacher's Examination which was a great triumph for a little child, because at 15 years of age in those days you were a child. You were not as grown up and sophisticated as you are now at 15.

I am glad to hear that the Middle School is progressing and the Community College as well. I feel, Mr. President, if we educate the people we are doing the best thing. I am very proud of Mrs. Conolly as a woman, that she could take and perform such a noble job. What distresses me, Sir, is that the role played by women in the olden days, when they had to be both man and woman, that now they seem to have gone back in the corner. They are housewives, good housewives, perhaps good mothers, but they are not taking the place in the community, especially in politics, that I feel they could do.

I say, unless I get direct instructions from God, at the end of 1984 I will not be in this Chamber. I will miss a part of my life, a part to me that is very important, but if old age has got me and I cannot any better do, I will have to retire, but it will be much to my regret. I feel very sorry, Sir, that I do not see a young lady in this community who I feel could take my place and do half as well as I have done in 20 years.

Another great step forward is the Bonaventure Home for boys and I am hoping in the not too distant future that we shall have such a home for girls. I mooted this when I was campaigning in 1980 but the Commse took it over and said it was their idea and I am very happy that it is going on as such.

Another great thing, Mr. President, is this, that we need roads. We need additional roads in our Island and I am happy to see and know that progress is being made in this direction.

Mr. President, in olden days we depended more or less on farming and as I heard one gentleman say not too long ago, if supplies were cut off from the United States we could not survive six weeks, because we depend too much on imported foodstuff in particular and I am very happy to know that there are provisions to have this agriculture put on a good footing.

Now, I am not too happy with the way that things are progressing at the Cadastral office. Mr. President, round about October I sold $300,000 worth of land and as of now the lady cannot pay the stamp duty because she cannot get the numbers on the subdivision which was made. I feel, Sir, that, if I am not asking too much, you would see that we have some people there who can at least clear this backlog, because the Government is being deprived of revenue which they could very well use since you cannot pay stamp duty until you get the number.

The Post Office has done a remarkable job and I have always advocated, Sir, in fact I spoke to the builder, the late Mr. Royal Bodden, who assured me that the Post Office was strong enough to have a second storey put there. Now there is not much parking space, agreed. Nevertheless the Post Office is central where everybody can have access to it and I would hate to see it removed and taken to some place far out of town.

MISS ANNIE H. BODDEN (CONTINUING): Now, we should give credit to the Public Works. I feel, Sir, under the present leadership, that they are doing a marvellous job. Of course, we cannot please everybody, but they are doing the best they can. They have made roads and, looking generally after everything, they are to be commended.

I would like to see, Sir, whenever possible, that we have a new airport erected. It is a necessity. It is the first thing that visitors see when they come here but it takes money and we have carried on in an excellent manner and I am hoping and praying, Sir, that this project will start this year.

Now, Mr. President, when we built the dock - and I include myself in that because the Honourable associate that I was with, he fought and he had that dock built, and we had criticism from all corners. It would break down, northwesters would take it away and all the rest of it. Well, the greatest asset, I feel, in the last 50 years has been the building of that dock. We certainly could never have accommodated all the imports that we now have unless that dock was built. And I am very, very happy to know that we were able to accomplish that.

The Fire Service is another great asset. In fact, I do not think that we can do too much more. We have tried to do as much as possible to cover every phase of the Island's life.

Another bit of legislation that I was not happy about, Sir, was the Housing Development. I feel, Sir, that if people would try to get the necessities instead of the luxuries they would be much better off. Why should the Government find money for me to build a house if I am squandering my money on 3 or 4 motor cars in my yard, televisions, and things that I can do without? I say the aim of every person should be to get the necessities first, luxuries after. I was not happy about that; I still am not happy about it.

Now, Mr. President, from September 1979, I was in this Chamber when the question of finding money for the Airways was brought up and I raised some questions, of course I was not popular as usual, but this morning I had to think to myself and refer to the Bible. In St. Luke, chapter 14, verses 28 - 33 the Bible says "What man intending to build a tower sitteth not down first and counteth the cost?" Well, that is what we did not do when we started this airline. We did not count the cost. We should have counted the cost that first and foremost we were inexperienced. We did not know anything about airlines and we should have started from then to see that we had proper people to tell us how; and I feel that we still need those people to tell us how to successfully run an airline.

Now, Mr. President, at this stage we must have an air service but what I am saying is this, we cannot pump every cent out of the treasury for one single item. We must look for ways and means to reduce our expenditure in order that we can at least budget our earnings and have it that it will break even. We shall never get one cent in monetary dividends. Let us be realistic about it. Our dividends will be the coming of tourists, coming back of Caymanians, mail, freight and all the rest of it, but we can forget about getting any dividends from this setup.

MISS ANNIE H. BODDEN (CONTINUING): I should tell you, Mr. Chairman, excuse me, Mr. President, I do not like to be personal but I managed the Cimboco, a subsidised boat with Government for 2 years during the war, and the one thing we had to do was this, we had to present regular three-monthly accounts to the Government for it was a subsidised boat. And I feel, Sir, that is exactly what we should do with the airline. We should demand that we get regular- might not even be three months- six-month statements to let us know how this thing is going. We cannot wait for a year or two years to get accounts because in the meantime anything could happen.. And I feel that we, as legislators, should see that when we dish out money we know how it has gone.

One thing I do not quite understand is this, that, as far as I understood, the Cayman Holdings was the owner of these planes and the one responsible to pay back this loan. They, in turn, would lease the aircrafts to Cayman Airways and, in turn, the dividends or the earnings would go back to Cayman Holdings to pay this debt. Well, I am not sure that has ever been done because employing 183 persons to operate an airline I feel that we could reduce that. Now I would not like to see anybody lose their job but it is necessary if this airline is to survive and that Government has not been trying that we curtail our wicked day expenditure. Now I would like it very clearly understood that I am in favour of airlines but airlines run on a business-like basis.

Now I cannot end my debate, Sir, without referring to the marvellous job that has been done in the elimination of mosquitoes. Sir, had we not had such a programme, we would not have one tourist in the Island. In fact, that is one of the few things that would make me leave this Island to go abroad. But we have managed, and I feel, although it was quite an expensive process, that it was money well spent, and we should do everything possible to keep that programme going.

I would like to say, Sir, that I hope and pray and trust that the behaviour in this Chamber will continue to be in an orderly manner. We are called back-benchers but we form a part of this Government and I feel that we should be treated with some more respect. If they want to leave me out because I am a woman, very happy about it because I can get my information by asking the proper people, not in any back way but to get it from the right authority. And I would like to see this Chamber we should continue and go from strength to strength as we have done in the past.

Another thing I would like to say, Sir, that one handicap that we as legislators have is this, back-benchers as we are called- we never know anything about the Regulations that are made for the Laws. The Laws are made here, skeletons I would say, and when the Regulations are made we know nothing about that. I would like to see when a Bill is brought here that the Regulations accompany it and I feel we would have much more satisfaction.

I thank you, Sir, and I am very sorry that the weak woman had to start this debate but I hope I have covered my points. Thank you, Sir.

MR. V. NORMAN BODDEN: Mr. President, I am a new Member in this House and since being here, I have noticed a certain reluctance on the part of the elected Members to go first in any debate. I imagine that this is intended for them to be able to defend their position quite logically and get in the last word if possible. However, I am of the opinion that he who gets in the first blow farse as well as he who laughs last and so I will venture out since I am as prepared now as I ever will be.

I, Mr. President, want to add my sincere congratulations to you for your clear and concise Throne Speech delivered to this Honourable House last Wednesday. Your quick grasp of the situation in the Cayman Islands in the short time since your arrival here as our Governor is commendable. I have no doubt, Sir, that with your experience and keen interest that you have shown in our people thus far, that you will at all times provide sound advice and able guidance in running the affairs of our country and I look forward to working with you in the years ahead.

In dealing with Finance, our healthy financial position at the close of 1981 is one of which not many countries in this day of inflationary trends and economic crises can boast and of this we can all be justly proud. A year end surplus of 4.9 million added to previous reserves for a total of almost 28 million is the best evidence I have ever seen of proper planning with prudent and wise decisions. I, therefore, Sir, consider it as an appropriate time as any, at this function to pay tribute to the Honourable Financial Secretary Mr. Vassell Johnson who will be retiring at the end of this month. A man whose dedication and hard work throughout the years has contributed in very large measure to the strong financial position we can so proudly point to today.

This may seem somewhat repetitious as I have said it before, but Mr. Johnson's contribution to this Country is a classic example of the heights that can be reached by other Caymanians with similar drive and determination and I believe that his successor will make every effort to ensure that at the end of his career as Financial Secretary the same can be truly said of him.

Mr. President, with faith in the future, it is reasonable to expect that Government's revenue earning capability will remain strong, but it must never be taken for granted. Let us not forget that we have a fragile and fickle economy which thrives on confidence, trust and stability, therefore all of our endeavours must be concentrated on maintaining the climate conducive to good business which is mutually beneficial both to Caymanians as well as to those we encourage and entice to our shores. We must not allow ourselves to become complacent and it must be borne in mind that we, like many other countries of the world today, are heavily dependent on what takes place in the United States of America. And in a year when the tone is changing from recession to depression it behooves us to proceed with caution in our forward planning and financial affairs.

MR. W. NORMAN BODDEN (CONTINUING): I would come next, Mr. President to our Police Department. It is indeed pleasing to hear of the many improvements and accomplishments of this Department. It speaks very definitely of good planning and able leadership, but in my opinion, Mr. President, you struck a chord when you said, and I quote, "And develop the theme of community policing to which the Cayman Islands truly lend themselves". In my humble opinion, Sir, this is the key to building and maintaining a police force of strength and respectability. It rests very heavily on community involvement and co-operation.

Fighting crime is everybody's business and every serious-minded resident of these Islands who shares our concern for our future should be involved. Let us start now. Let us not wait until we are forced to become involved, which has happened in many cities nearby - Miami and Kingston being good examples.

As regards the prison, I have to admit that it was startling for me to note that approximately 25% of our prisoners are young people under 21 years of age. There is a message here for us, Sir, that we cannot afford to ignore. More emphasis must be placed on the needs of our young people as this is an investment in the future that pays good dividends.

I am aware that many projects have been on the drawing board for some time such as the Sports & Cultural Complex and others, but these must now become a reality and can no longer be delayed. An ounce of prevention is worth a pound of cure. The necessary steps to implement these programmes must be taken without fail and I am also appealing to those in our community who can, to spare the time to assist in any possible way in working with our youth. I have recently read, Sir, of the dramatic increase in crime caused by the youth in Barbados and also Bermuda. Fortunately, we have not yet reached that stage, so there is still time for us to do something about a situation that could later explode and get out of control.

Of course, I am sure that in my society there will always be those who no one can help because they refuse to help themselves. But these so far are in a minority. There are many who have talents that have never been given an opportunity to develop, energies that have never been harnessed and abilities that too often go un-noticed and ignored. Let us at least give them that want to help themselves a chance and this is only fair and to be expected.

Immigration. It is well know that we are in the enviable position of being faced with an over employment situation. A problem that I daresay would be most welcome in many countries today which are faced with just the reverse of unemployment. Unemployment that is threatening the very peace and security and producing unbearable hardships for their people.

Naturally, immigration policies must continue to be geared to guard our gates; to be selective of those who wish to work and remain here; and these policies, as have already been said, tailored to ensure that Caymanians share in and benefit from the prosperity of these Islands. It is therefore correct to say that in Cayman today all those who will work can easily find a job. But nevertheless there are still many local businesses heavily dependent on outside labour in order to keep their operations going. So while I am not advocating the handing or breaking of the law, I do feel that an

MR. V. NORMAN PODGER (CONTINUING) long as this situation exists the leniency and sympathetic consideration of the Immigration and the Caymanian Protection Board should be encouraged in order to prevent hardships that could be suffered by the private sector due to a lack of manpower.

Cayman Brac and Little Cayman. The rural improvements in Cayman Brac and Little Cayman are most welcome. I am sure by the residents and visitors alike to these two islands. There is no doubt that better communications are bound to provide many of the development opportunities our sister islands so rightfully deserve. However, knowing the people there the way I do, I believe that I am safe in saying that they will choose their own mode of development and I believe it will wisely be one with which they can cope.

Health, Education & Social Services. Keeping our people healthy and adequately meeting the needs of the sick can be costly but its importance can never be over emphasised. Our Hospital is many times criticised and I am, on occasions, told by members of the public of disagreement among staff, their manners in dealing with the public and the handling or mis-handling if you want to call it, of some patients.

There is perhaps a certain element of truth in all this and undoubtedly there is no department that cannot stand some improvement, but generally speaking, it is my opinion that we have in our hospital well-experienced and qualified staff, reasonably equipped for a community our size, and that considering the cases handled locally and the reasonable cost involved for the services provided, we are fortunate in many respects.

For the Education Department it can be said that education in the Cayman Islands has reached an all-time high. This has proven to be one of the highest single expenditures but if the results continue and the standards maintained it will be money well spent and again a sound investment in the future. Career officers in the schools, teachers, parents at home must all combine their efforts in encouraging our young people to qualify at professions of their choice so that they can become responsible men and women in our community. Of course, I feel that once we have helped to educate them and they return to this Country qualified, they should be placed in the positions for which they were trained.

As regards education, I was also encouraged to note the number of trained Caymanian teachers who are returning and taking up their responsibilities in our schools.

Social Services and Welfare. There is no doubt of the vital services being provided in our community by the National Council of Social Services and the service clubs. And between these organizations and Government and our churches I would say that the less fortunate in our Country are in no way neglected. I would say that they are reasonably cared for.

MR. W. NORMAN BODDEN (CONTINUING): The Sports & Cultural Complex and the construction of a Rehab Home are all projects that must be actively pursued. More and more of our young people are becoming sports minded and they must be given every opportunity to develop in this area as well. Many times a student might not make the Honour Roll but can very well excell in sports if given a chance. Similarly, our juveniles with problems and those in trouble must not be pushed aside and put down but must be helped and encouraged to overcome their difficulties and solve their problems in an acceptable manner that will make them better people and useful citizens. This can only be accomplished through the right environment, professional help, care and guidance.

As regards the clean-up campaign, I am sure that much has been accomplished, but as you will have seen, Sir, for yourself, on the recent tour we made of George Town proper, there still remains a tremendous amount of work and clearing to be done for improvement to be evident.

Lands and Survey. It has been noted that stamp duty on the transfer of land increased to 6 million in 1981. This brings me, Sir, to a matter that has recently been receiving much publicity in the press and has naturally caused some concern among our people, which is the assessment of land values at the time of transfer rather than at the time of the contract of sale is made.

I am not qualified to argue the finer points of law on this matter as to what is legally right but it is my understanding that certain procedures have been changed which have created this public concern. I therefore support the claim that Government has a moral obligation to honour what has been customary in view of the financial hardships that can be caused to many of our low and middle income people who are already in the process of acquiring property on the time payment plan. I have had many calls from people on this matter and I would like to request, Sir, that Government reconsider this and do whatever is necessary to settle this matter and allay the fears of the public.

Public Works. I am pleased to see that good progress is being made on the construction of new roads as has been recommended to improve traffic flow and I trust that the installation of traffic lights at selected intersections when the right time comes will not be forgotten.

It is also good to see that the Water and Sewerage Scheme is receiving the importance it is due; and I have to admit, Sir, that I just cannot resist the temptation to say here once again, that Government should seriously consider the removal of the 20% duty on imported drinking water. At least until the public water system is made available to our people. Many of our people from all walks of life depend on imported drinking water for their daily needs and the relief of the duty on this item would prove most helpful. The creation of a water authority to administer the legislation aimed at the protection of existing water resources is badly needed as there is much concern being expressed by residents of certain areas as to the continuous removal of large quantities of water from wells. This should establish beyond any doubt whether or not this is adversely affecting these areas and if so, corrective action can then be taken.

MR. W. NORMAN BODDEN (CONTINUING): The Post Office. To be honest, the statistics which you produced, of mail handled by our Post Office were astounding to me. And I cannot help but feel that the staff there does a good job to cope with the very large volume of mail that must be handled and processed by them.

With reference again to Public Works, I have noticed many a smile when a project is mentioned as being carried out by our Public Works Department. But with all due respect, many times I feel that an isolated project is taken for target rather than taking an overall view of the large amount of work accomplished by this Department in any given year. In all fairness, Sir, recognition must be given for the professionalism, expertise and experience available in this Department, much of it Caymanian, and the cost that would be incurred by this Government if it had to be brought in at today's labour market rates.

Tourism. The fact that it was possible to show a modest increase of 3.6% in 1981 when other long-established and popular destinations in the Caribbean with probably larger advertising budgets reported a decline speaks well for our Department of Tourism and the Cayman Islands as a destination. Competition today is strong for the tourist dollar and in the face of an economic downturn in our major market new techniques and different methods will have to be developed and applied if the strength of this industry is to be maintained.

The Ten Year Tourism Plan will undoubtedly prove most valuable. Our growing traffic congestion in Town, the springing up of concrete jungles around the Island, water and sewerage are all problems that must be speedily solved and last but not least we must ensure that our country remains safe and stable. Our people must continue to recognize its importance to our economy without becoming resentful. I realize that this is not an easy formula but in my opinion I daresay it is a necessary and essential one.

The new terminal now being scheduled for completion at the end of this year at Owen Roberts Airport are a much needed improvement in order to cope with the large volume of traffic being handled at that airport. I think that it is long overdue and I know that it will prove as most useful facilities for arriving and departing passengers as well as for the people who work there.

Cayman Airways. I feel, Mr. President, that the airline can be rightly considered an essential service and I, too, recognize its importance to our tourist industry and other developments. However, it must be realized and accepted that the operation of a national airline is an expensive venture and as Government is called on to support it more and more financially I have always maintained and state again here that the principal factors which must be clearly identified, established and assessed are 1)Whether or not the airline can in fact be made profitable, 2)If it can, what steps must be taken to accomplish this, and thirdly, If not, is Government prepared and willing to subsidize the airline at how much and for how long can it afford to provide this subsidy that is needed?

These need to be settled one way or another, once and for all and the continuous bickering and doubtful predictions done away with.

MR. W. NORMAN BODDEN (CONTINUING): Mr. President, before closing, I would refer to the Civil Service as a whole. A group of people in my mind, who have borne the strain of rapid development and expansion, adjusted to changing Governments in a most admirable manner regardless of any criticisms that might be leveled at them as a group. I believe, too, Sir, that in these you will find many, perhaps the majority, dedicated and dependable, on whom you can safely rely for assistance and co-operation during your administration.

Finally, Mr. President, I must repeat what I have said many times before and which, to be honest, I lack the vocabulary to phrase it any differently, we must, as a people, be prepared to sacrifice selfish desire and forfeit any far-fetched political ambitions or thirst for power that would tend to threaten the stability we enjoy or shatter the confidence and trust placed in us by others.

I fully realize, of course, that stating this in theory is easy and it may only have a pleasing sound to the ears but applying it in practice is another matter and so we could easy well lose sight of its real importance. It is true that this calls for and demands a combination of many different fine qualities that calls for a delicate balancing of what's best for our Country against how it is achieved but it must be accomplished for the benefit of future generations and the upholding of our Country as a shining example in a troubled Caribbean and Central America where democracy is being threatened and the ugly monster of Communism is raising its head. This must be guarded against at all times and at all cost.

Thank you Mr. President.

MR. PRESIDENT: I think it may be a convenient moment to take a break and I will now suspend proceedings for fifteen minutes.

AT 11:34 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:00 NOON

MR. PRESIDENT: Proceedings are resumed.

HON. VASSY S. KIRKCONNELL: Mr. President, I would first like to welcome you and your wife to this Island and in particular to welcome you for your visit to Cayman Brac and Little Cayman as shortly after your arrival. Your friendship and your guidance will always be cherished in this Island and we look forward to hearing many additional Throne Speeches from you, Sir.

I would like at this time to congratulate you on the eloquent manner in which you delivered such a comprehensive speech. I, like you, believe in being very brief and I shall not consume much time here today.

We Caymanians, I feel, should be proud of our economic success, that we can remain stable when industrialized nations and developing countries alike are facing such economic problems with the turn from inflation to recession and now that dreaded word depression creeping in, I think all are to be complimented on our achievements. To be able to boast of a surplus revenue for the year 1981 of $5.63M, the Government total revenue at the end of 1981 being $18.4M in general revenue; these two

CAPT. MABRY D. KIRKCONNELL (CONTINUING): totalling almost $22M in reserves is nothing short of an economic miracle, again I repeat.

The financial sector continued to expand during 1981 and I hope that it will continue to surpass the 1981 record this year. Where the number of banks, trust companies, insurance companies and regular companies have all increased in number, with custom revenue increasing, real estate transactions increasing at about 10%, gives us a very encouraging look to the future.

At this time I would like, Mr. President, to pay tribute to the Honourable Financial Secretary who is serving in this House for his last session. I think much of our economic success is owed to his guidance. I would like to express my appreciation personally for the help and guidance he has given to me during my short period in this House. As, Mr. President, like the speaker before me, I am an inexperienced politician, I am serving my first term in the House, but I intend to do all that I can in the position that I have.

Referring now to the Currency Board, I think all who voted for that Currency Bill back in 1972 should certainly be complimented, for no one at that time thought that the institution of our own currency could achieve such an economic success of having $12M in reserves. It also speaks highly of the management, which has gone to make it a success. The introduction of the $40 and $100 bank note in 1981 has made it easier to travel with and I am sure is going to be accepted widely.

I would like, Mr. President, to compliment the Commissioner of Police for his able leadership during the year 1981. The success of this service in all three Islands are to be complimented. I am proud that we are now train our police officers to treat Caymanians as Caymanians deserve to be treated and not have to be trained in other countries where other conditions prevail.

I turn now to our prisons. Though this is not an area that the community would boast about, I think we made a wise decision in establishing a prison within our own boundaries. I am alarmed at the occupancy rate as it has increased, but it is my hope that this prison will rehabilitate our prisoners that they can take their place in society when they have served their sentence and that they will abandon the report of having to incarcerate them for longer periods.

Radio Cayman, again, deserves to be complimented on the service it is performing to our community. It is most encouraging to see that they have reached the position, financially, that they are able to cover their own recurrent expenses. I would like to compliment them on the increased format and the number of hours which they broadcast. I think you appreciate the Radio Cayman now, living outside of Grand Cayman than those who live right here do. It enables us, in the other Islands, to keep abreast of activities here in Grand Cayman and also in the rest of the world.

I would like now, Mr. President, to touch on communications and I speak directly of overseas telephone, telex and inter-island telephone communications. Much progress has been made by the Local company in acquiring and installing modern equipment in Grand Cayman. This has been a vital contribution to the fast rate of development experienced in Grand Cayman. I regret to say, Mr. President, that equal effort has not been made to improve and upgrade equipment in Cayman Brac and Little Cayman.

Mr. President, as a resident of Cayman Brac, I speak with knowledge of the difficulties we experience daily. We have a great need for improvement in this service. Not having any technical knowledge in this field, I cannot comment as to the cause, but I do know, Mr. President, that Grand Cayman like Cayman Brac and Little Cayman had problems at the inception of service and it was greatly improved by the laying of an under-the-ocean cable from Jamaica to Grand Cayman. It is my belief that a cable between Cayman Brac and Grand Cayman would help to improve

CAPT. MASRI S. KIRKCONNELL (CONTINUING): our position. I touch on this not for personal reasons, Mr. President, but to inform this Honourable House that this is having an adverse effect on one of the strong pillars of our economy, the ship-to-shore oil transfer terminal. Twice communications with owners and operators of tankers are very essential for in many cases these ships are earning in excess of $100,000 (US) per day, therefore even minutes count to large sums. Many days we are unable to get telex communications because of this atmosphere system that exists between Cayman Brac and Little Cayman.

I therefore, Mr. President, would ask, Sir, that now in your high office, if there is anything that can be done to improve this situation that you give it your attention.

I would like now, Mr. President, to touch on education. I am very proud of the educational system that we enjoy in the Cayman Islands as a whole today. I would like at this time to compliment Mrs. Daisy Conolly, MBE, our former Chief Education Officer and I may add a Cayman Bracker. I think much of our success in education she can be thanked for. I know she has had a lot of help by others, but I would like personally to compliment her and wish for her a very long and pleasant retirement.

Cayman Airways is an essential service which is very necessary to connect us inter-islandwise and internationally. It is my hope that in the near future Cayman Airways' problems can be improved and we are thankful to this House for their decision to purchase the 748 aircraft which now affords a 44-seater and service between the Islands. I do feel that this expenditure will be justified as it will bring additional revenue, it will improve tourism and it certainly gives you a feeling of security when you are travel on a 44-seater aircraft as opposed to the Trislander. I do not want to say my disrespects to the Trislander for it has served us faithfully during this period of time; the main fault is its capacity and we are again, I say, very proud to have the service of the 748 and look forward after the completion of the airport, which we feel will be towards the end of the year, that we can enjoy set service on some type of a schedule.

I now touch on Cayman Brac and Little Cayman which are the districts I represent. 1981, Mr. President, has been a very important year in the history of Cayman Brac and Little Cayman. Much has been achieved and I would like to touch on a few. In my opinion our greatest achievement has been the new port facility. This has added much to the facilities of handling cargo. We are now able, with the aid of the Port Authority crane, to handle containers in a fashion which they are designed to be handled. Also we are able to accommodate roll-on roll-off ships which was the only means that we were able to have a crane of its size landed which we now use at the Port Authority. When the on-land part of the port facilities are completed we will have a nice modern complex which I think can meet the needs of Cayman Brac if it develops at the speed that I hope it does for many, many years to come.

Secondly, I would like to touch on the completion of additions at the High School campus in Cayman Brac and in the Primary Schools and of the upgrading of the educational system there that has been quite an achievement.

Work on our new Government Administration Building is well under way and it is hoped that that will be completed towards the end of this year.

We have also experienced major road improvements and at this time I would like to compliment the Public Works Department for the great job they are doing in all the Islands. We now look forward to a road programme in Little Cayman which will, for the first time, bring a graded route to part of that Island.

CAPT. MARNY S. KIRKCONNELL (CONTINUING): The improvement and the enlargement of our police force on the Island is much to be appreciated. As was stated in your Throne Speech, we now have a department there headed by an Inspector, one Sergeant, eight Constables, of which one or two at times are females. This is helping and they have instituted a programme of where they are getting to know the youth; they are trying to prevent crime by going into the schools and meeting with the children and I sincerely hope that this will help to prevent some of the delinquents that may have been if it had not been started.

On Little Cayman, for the first time, there has become native with the institution of a security equipment, and I think, Mr. President, that not too much credit can be given to MCU for as the Honourable Lady Member said, I think no other department has done more to contribute to the success of the Cayman Islands than the Mosquito Research Control Unit.

The introduction of a 6th form at our High School has given new opportunities to school leavers and I think to Cayman Brac and Little Cayman as a whole, for in the years past men went abroad to earn a living, but the women stayed at home; they returned, were married and raised families on the Brac, but in modern times girls and boys have both gone abroad to seek a higher education and mostly because of experiences gained abroad they have not returned. Therefore I feel with the opportunities for higher education in Cayman Brac, this will help us overall.

I would like also to touch on the Community College classes which are held nightly at the High School in Cayman Brac. This is very popular with adults who did not have the opportunity when they were attending school to further their education, and by this being available now on the Island is enabling them to qualify themselves for better jobs as the need arises about.

Our medical services also deserve to be mentioned. We are about to put into operation the new operating theatre and the dining room addition to our hospital. With the new building addition, which we hope to start sometime in the early part of next year, will pretty well supply the needs of Cayman Brac and Little Cayman for several years to come.

While touching on medical services, the institution of a medical clinic in Little Cayman is affording a comfort and a service to the people there not experienced before. My thanks to the Portfolio for the introduction of monthly medical visits of our doctor to Little Cayman and whenever an emergency arises is much appreciated by all people of those two Islands.

Our district administration on a whole deserves a lot of credit. It has been improved, enlarged and made much more efficient. I would like to express my personal appreciation to the Honourable Chief Secretary for the job he is doing in representing district administration in Executive Council, and as appreciate his frequent visits and again, like Mrs. Conolly, we claim him as a Cayman Speaker.

Mr. President, I have spoken of much that we have accomplished, but there are still some needs and at this time I should like to touch on these. It has been proposed that a road be established on the Bluff in an east to west direction. It is my hope that funds now available can be spent to the best advantage and commencement could be at nearliest date and that additional revenue will be provided to complete this road. This will offer much to the development of Cayman Brac with the other infrastructure that we have now put in place. I feel we are going to need additional area for agriculture and also for development of condominiums and strata-type title buildings.

Another need, Mr. President, which I sense very seriously is the lack of representation of the Cayman Detention Board within Cayman Brac. I know this is a complicated matter and

CAPT. MARRY K. KIRKCONNELL (CONTINUING): I am not trying to interfere with the law under which it is governed. I simply would like to plead my case by explaining a situation which exists. We had a resident in Cayman Brac, a member from the United Kingdom who had much experience in North Sea diving. He was needed in the ship-to-ship operation and in private business of diving for repairs under water. After a period of over eighteen months of an application for a work permit, it was not and has not to this date been granted to my knowledge. We have lost the services of this man although his wife remains a resident. He has since returned on contract to the North Sea and presently he is working on the Mexican offshore industry. We have lost the services of a man who could have contributed to the development of the ship-to-ship transfer operation, for with tankers you will always have problems under water as well as above and without qualified personnel we cannot make temporary repairs or any repairs necessary under water.

It is my belief that if a Board was established in the Brac that could study the applications and make recommendations to the local Board here in Grand Cayman, it would not only facilitate Cayman Brac and Little Cayman, but it would facilitate the Cayman Islands as a whole as it would eliminate a lot of the work-load now experienced by the Protection Board, therefore they have a terrific back-log of applications pending.

Another need in Cayman Brac which is close to my heart is a youth programme. For over twelve years I have tried to institute some type of a youth programme, but I am sorry to say with very little success. We constructed a youth centre there over twelve years ago and it has not really achieved anywhere near the success that we had hoped. It is my belief that if you can provide the proper environment for youth you will prevent delinquents at a later date and also you will create leaders of tomorrow who will carry our affairs in the manner they should be.

Now turning to the National Council of Social Services, I have much praise for them. Many of their programmes have been very helpful and I compliment their leadership and all that is being done. This too I would like to see become more active in the smaller Islands and I hope this can be implemented in the near future.

We congratulate the Portfolio of Agriculture, Lands and Natural Resources on their proposed projects for 1982. In Cayman Brac and Little Cayman, much support is given for all of these projects and it is our hope that maybe in the not too distant future the implementation of a pilot project of a farm of some nature could be instituted there.

I feel it my duty to congratulate all the Portfolios for the able job which has been accomplished during the year 1981 and previous years. Time does not permit us to single out all the Portfolios for all the items of accomplishments that I know, but as a whole I wish to congratulate them all.

Tourism is a very important part of our economy and I am happy to say that although the Cayman Islands are fairly young in the tourist industry, they were able to have a modest increase in number of visitors arriving on the Island during the year 1981 while major tourist attractions with many millions of dollars to spend on promotion have had drastic declines. This speaks highly of the tourist industry as a whole and I would like to caution all Caymanians that visitors will only come here as long as we make them feel welcome, and I appeal to all to be courteous and treat our visitors to Cayman with respect that they will go abroad and be ambassadors for us in creating a better and stronger tourist industry.

The postal service carries a very heavy work-load and it is ever increasing. I compliment them on the job they are doing with the staff that they have, but I would, Mr. President,

CAPT. MARK G. KIRKCONNELL (CONTINUING): ask that a special effort be made for the improvement of our inter-island mail service as this is so essential to our development.

Mr. President, I have touched only on a few areas in my speech today. Having debated the Budget Speech only a few months ago, it would be repetitious to go through all of them in detail, but I feel, Sir, in closing, our position should be that all Caymanians should say thank God for the harmony and for the peace and quietness and harmony that exists within these Islands. I give thanks to Almighty God for the benefits. I would like to thank you, Mr. President, for your guidance, all Elected Members of the Government bench and the other side, both present and past, all the members of the Civil Service for their untiring efforts which have achieved such a story of success. And it is my hope, Mr. President, when we have the opportunity of debating the next Throne Speech that we can continue to have had the prosperity and maybe even surpass our record in 1981.

Thank you, Sir.

MR. PRESIDENT: Does the Honourable Member wish to speak at this stage?.....

If no Member wishes to speak before lunch, it may be a convenient opportunity to adjourn.

Which I does - let us adjourn then until half past two.

AT 12:24 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:40 P.M.

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

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to extend to you a warm welcome as our new President and hope that you and Mrs. Lloyd will be happy here with us. I also know that you will have a very successful and rewarding term of office. I promise you my support and look forward to working with you.

I would like to tell you, Sir, how much the people of my constituency appreciated the visit that you and Mrs. Lloyd paid to the sister Islands so early in your new term. I know they are looking forward to many, many more visits from you.

I would like to congratulate you on your Throne Speech which was very clear and concise and gave views of our affairs in the short time that you have been with us. The brevity of your speech impressed me and I in turn will follow your example. Except for a few brief remarks, I will confine my debate to my constituency.

Stability. The stability of these Islands is reflected in the strong financial position quoted in your speech. The stability is due, in no small part, to our close ties with our Mother country who has given us protection and guidance over the past 150 years. I would like to congratulate all Members of Government, together with the Civil Servants, for yet another highly successful financial year and hope that this trend will continue. However, care must be taken to ensure that the reserves which have been so painstakingly built up are not squandered.

Agriculture, Lands and Natural Resources. In respect of the proper physical development of our natural resources, I welcome the development of the Agricultural Farm at Lower Valley and hope we

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): will see some visible returns from the investment we have put into it over the years. I also consider a revision of the Development Plan 1977 timely.

With regards to street naming, it must be combined with numbering to make it completely meaningful.

The Director of MRCU, Dr. Giglioli, continues to do an excellent job in the control of insects in Grand Cayman. I hope it will be possible for him to increase more meaningful control to Cayman Brac and Little Cayman where the problem is more acute.

I am pleased that the Lands and Survey Department had another record year, but must caution that urgent steps be taken to minimize and eliminate delays presently being experienced in that Department.

We have heard, during question time this morning that the average time taken to process documents through the Department of Lands and Survey has doubled in recent times, which clearly indicates that all is not well in that Department and needs urgent attention.

Recently the Registrar of Lands sent a circular letter to attorneys and land agents which is cause of great concern in our Islands. This new ruling will have an adverse effect on local people aiming to acquire their homes and will deter them when encouragement and help should be given to them. I am also concerned that this new ruling may cause potential investors to look elsewhere. It strikes me that Government is trying to grab at the shadow and may well lose the substance, or perhaps we may kill the goose that laid the golden egg. I feel very strongly that this new rule be rescinded, otherwise as a Legislator I will press for legislation to remove this anomaly from our Law.

Cayman Airways. As Chairman of the sub-committee appointed by the Finance Committee in respect of Cayman Airways, I am loathed to discuss whether the airline will ever be self-supporting as intimated in the Throne Speech. However, I trust progress will be made during the current year to reduce their financial dependence on the Government's treasury.

Cayman Brac and Little Cayman. Over the past five years Cayman Brac and Little Cayman have made significant strides. Government has, in its wisdom, been developing the necessary basic infrastructure which when completed will allow the sister Islands to realize their full potential.

The new dock has already proved its worth and has performed its functions beyond the expectations of the most optimistic backer. In spite of having unfavourable weather conditions since its opening in November last year, there have been very few sailings due lost. The principal feature contributing to this performance is in the proper orientation of the finger pier relative to the prevailing direction. The dock in Cayman Brac will undoubtedly go down in the history of the sister Islands as one of its most significant achievements of the century.

The widening of the runway and the extension to 6,000 feet, when completed, will provide the Islands with a second international jet airport and bring the sister Islands into the jet age.

I am sure that within two years, if development continues at its present pace, there will be sufficient traffic to support small jet aircraft such as are now servicing Grand Cayman. This airport will also serve as a back-up for Owen Roberts Airport.

I understand that plans for the new airport terminal building for Cayman Brac are well advanced and the project is being actively pursued. I hope it will be possible to start constructing it as soon as the runway has been completed.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Although there was no specific mention of the Public Works Department constructing a road on the Bluff at Cayman Brac in the Throne Speech, money for this road has been provided by the Caribbean Development Bank and I have been informed that this road is scheduled to begin shortly. Not only will the new road on the Bluff open up a new area, it will also usher in a new era for the people of Cayman Brac. One must appreciate the fact that 80% of the land area of Cayman Brac is actually on top of the Bluff. Practically all of the farm land and cattle pasture land is there.

The farmers of Cayman Brac have always had to climb the side of the Bluff to get to their plantations and pasture land on top of it. To raise cattle on the Bluff one has to drive them up and down the side of it in order to water them. The new road will, when complete, eliminate the hardship and there will be a new interest in farming which undoubtedly increases production. I also believe that investors will recognise the potential of development on top of the Bluff once the road becomes a reality. Any development will be welcomed as the oil transfer operations are diminishing and men presently working in this field will have to return to sea unless alternative job opportunities are provided locally.

The new air service recently inaugurated with the 748 Avro aircraft has brought much joy and hope to the people of the Sister Islands. I would like to thank all Members of this Honourable House who voted for the funds to purchase it. In the not too distant future Government will have to review the air service to Little Cayman to make it more economically viable than at present. It is my opinion that the facilities there will have to be upgraded in order that both Islands can be serviced by one aircraft.

Government should now approach either Esso or Texaco to consider putting in a small tank farm near the new dock facilities. Both companies promised to review the situation as soon as we had docking facilities there and I am requesting that this be pursued in order to reduce the high cost of petroleum products to the people of the Sister Islands.

If the development goes ahead as I have outlined, two major drawbacks will have to be overcome. I refer to Cayman Brac Light and Power Company and the poor service provided by Cable and Wireless. The former is under-capitalised and is in financial difficulties and will be unable to expand its capacity to meet future demands. With regards to Cable and Wireless, last year they installed new telephone equipment for the Cayman Brac link and it was hoped that this equipment would have solved the telephone communications for many years. Unfortunately the performance of this equipment was so unsatisfactory that it had to be taken out and the old equipment re-activated. The old equipment has its limitations and is totally inadequate to serve the present, not to mention the future needs of the Islands. It only has seven circuits and they are so congested that it is almost impossible to get a telephone call through. There are numerous and continuous complaints from the residents and business sectors, particularly the oil companies who are using the oil transfer facilities. The present capacity of the three exchanges is 400 circuits of which 305 are in use and there are 15 applicants pending. The company at present is adding 50 lines to the Stake Bay exchange with old equipment that was sent from the Turks & Caicos Islands and it is older than the equipment which was installed there in November 1960. To add insult to injury, the company is also contemplating sending the old equipment, which they have at North Side and East End exchanges there, to be installed.

Mr. President, it appears that Cayman Brac has been designated as a dumping ground. There is no evidence to show that the company has any plans to upgrade the service. As a matter of interest, their present projection for the year 2000 indicates that only 650 circuits will be needed, which seems a ridiculously low estimate to say the

CAPT. CHARLES L. MACKONNELL (CONTINUING): least. In view of the foregoing, I am requesting Government to make an investigation into this matter to ensure that the company honours its obligation to the sister Islands by providing proper equipment in to international specifications capable of meeting the present and future needs of the Islands as called for under the terms of their franchise.

I regret that this is the last occasion that we will have the Honourable Financial Secretary with us, however, all good things come to an end some day. He is held in high esteem, not only in our Islands, but wherever he has represented the Cayman Islands. As a citizen I am proud of him and as a legislator I have learned to respect his wealth of knowledge and expertise. May he have a long and happy future when I hope he will join us again in this House in a different capacity in 1984.

Mr. President, your prayer for divine guidance is one of the greatest things we can all seek. May we also be mindful of all His blessings to us over the years and may we say, as the Psalmist did, that His word may be a lamp unto our feet and a light unto our path.

MR. D. KAIMAIN EBANKS: Mr. President, I too want to join in welcoming you and your wife to our Islands. I pray that your stay here will be an enjoyable one with us.

Your speech, Sir, I have to congratulate you on it because as you said you have only been here for two months and in those two months I think you have covered the situation very well. It leads us to see the type of man you really are and I am praying that your service here we will still enjoy a happy time together.

The trend of your speech, Sir, has shown the affairs of our Islands in a very unwinding position. The economy of this Island, Sir, is something that we all should be proud of. There are countries much larger and even nations of today that wish that they could boast of a budget such as ours.

Mr. President, these things just do not happen. It all comes through hard, dedicated and planning work and leadership. And I trust, Sir, that with you leading us that we can continue to progress in the way that we are doing.

Now, Sir, a lot has been said of all the Heads, but I too want to congratulate all Heads of Departments for everyone has played their part well in our progress. We all make mistakes - that is human nature, Sir, but with all of that we are rolling through this Island to a standard where anyone should be proud and give out thanks for the things that we have here.

The police force, Sir, is something that I am proud of, of its advancement especially in the training school that we have here now for their recruits, because I for one have never agreed to sending a young man for training in other countries that have various doctrines to what we have. So that is another great step in our advancement. Also our patrol boat, that has been something that I always asked for from the time I joined this Honourable House and I am proud to know that we have patrol boats now and they are being operated in the right way.

Our prison at Northward, Sir, I guess no country is proud of a prison, but we have to have it. And since we do have a prison, I think it is a great step again in helping to curb our crime effects in this Island.

Our sporting complex, Sir. Now here is another issue that I have always spoken on and I always will until I see this project completed. And I am hoping, Sir, that now with your authority will grant us and give us all the push that you can to get this completed as quickly as possible. Because, Sir, sports is one thing - it benefits all the youth, it is educational and health building. And as this Island is

MR. D. DALMAIN FRANKS (CONTINUING): advancing in sports as well as everything else, we need a sporting complex.

We are now renting amphitheatre from abroad and until we have our complex where our youth can get the correct training, we will not be able to compete with the people from abroad the way we should. And I also would like to see, while waiting the development of this sporting complex, Sir, sporting playing fields in various districts upgraded and also some new ones put in if need be.

The construction field, Sir, is another field where we obtain great revenue. The condominium complexes are burgeoning off, but with all of that, Sir, our labour rates, employment rates, are still high and I feel sure that we will still enjoy employment here for quite a while yet. The same as our tourist industry, again we still see a slow increase in tourism. Here, Sir, I want to say that we should do all that we can to encourage the tourists who come to our Islands. We should treat them with all due respect because such as the natural resources we have none at all on the Islands, so if we have a resource such as the tourist industry we should try very hard to make it last as long as it can.

Our education system is an improvement, Sir, and we should be very proud of it. And I hope that it will continue to improve. The Renaissance House is another asset to our Islands, especially for our wayward youth. They are proving themselves as a team by themselves that we can be proud of and also the management.

Our water and sewerage system, Sir, should have priority for we are coming to a place now where very soon we will be finding ourselves in trouble with water and sewage. This programme should get all the attention possible that can be put on it, get it going as quickly as we can.

Improvements of the sister Islands, again is something that I am proud of; to know that they are now enjoying benefits that Grand Cayman benefited before them. And I pray that that will also continue as we progress along the road-way.

The Public Works Department is doing a great job, Sir. They are overloaded with work, but they are performing in a capacity that we should not complain about. And I hope that they will continue to work that way.

Radio Cayman is another asset to our Islands, Sir, and I want to congratulate the staff for the good performance and hard and long hours that they are putting in.

With all of that, Sir, the highlight of your speech says how you and your wife have enjoyed meeting the friendly people of these Islands. I am very proud of that and I have that this attitude will continue for your duration here with us.

Now, Sir, before closing my debate I come to our Honourable Financial Secretary. We are again losing a good man. I have known him for years, many years, and he is a man whom I have always admired. He stuck to his guns, he worked hard, but he was proud of the job he was doing and we as Caymanians should lift our hats to him. With that, Sir, I pray God's blessing on him and his family and hope that he will enjoy a long retirement, and as was said he may return here to this House and I hope I may be here to be along with him.

Thank you, Sir.

MR. CRADDOCK FRANKS, JP: Mr. President, a little prayer. - When the sun is shining there is no darkness even if there are some problems. I must say, Sir, that indeed it is an honour and a pleasure for me to be afforded this privilege and opportunity, no little more than a teenager in this House, to be here to take part in this first sitting with you as President of the Assembly.

MR. CHARLOCK EBANKS, JP (CONTINUING): I will not, Sir, promise that I will make it smooth all the way, all the time. Sometimes I feel like getting a little lengthy, it may run from one day to the next, but I do ask your patience to go along with me and I abide, Sir, by your ruling. Whenever you feel like making an adjournment, it is perfectly alright. It is a pleasure to have you as President in this House and for the past two months being somewhat acquainted with you and your wife, I look forward to your stay in the Islands to be a long successful and happy one.

Mr. President, following and going through what is customary each year, the Throne Speech, we have come a long way, but we have gone a long way too, Sir. An old farmer said once, when a donny approached him, if he thought he could not and he said, "I will not know until you try me out". When I say, Sir, we have gone a long way, not for the good in all things, but we realize to get the good we have to get the bad too.

It was mentioned, Sir, about the prison that had been open not even a year yet, about nine months, and the results of this prison are the young people from these Islands who are going to the prison have not spell good, Sir. Yesterday we did not have a prison, we had a little lock-up in the centre of George Town. On occasions maybe me or two who got a bit high on Saturday were put in to clear the night out and that was it. But when we see with our own eyes the falling of our young people, the youth of this country, we are boosting somewhat of our education standards, the quality of education and they are getting the schools that they are going to, but it appears that when they leave the school they are falling somewhere or another by the wayside.

It is, Sir, that much of this is caused by the flourishing development that we are in. I am hoping that by the end of the one year that the prison has been opened that there will be a term for the people going to prison. Going to prison for one day, one week, leaves a mark because in most instances when one wants a reference for employment and they want to get a true picture on a reference, and it was included that they spent six months in jail, it would not help. I am hoping, Sir, that as I said even by the end of the first year that there will be a new era of change in people committing offences and crimes and finding themselves headed for prison.

Laws, Mr. President, we have a number of our laws that are now on the books that need to be reviewed, rewritten: some new laws brought into their place and some with major amendments, and I am hoping, Sir, that in the next sitting that there will be some of these laws before the House for amendments or new laws to be brought in place. We have the Protection Law: this is one of the laws that needs to be gone into thoroughly, because I am for one not that happy for this country to be flooded with people of Caymanian Status and give them the same rights and privileges of Caymanians. And I am trusting, Sir, that when this comes to the House that it will be gone into thoroughly. The Election Law is whether that needs to be gone into. If there are people who need to be responsible for the running of this country, they ought to be Caymanians, Sir. When I say Caymanians I mean true born Caymanians.

We feel that we are enjoying the bounties of blessings and prosperity today and undoubtedly we are enjoying a lot. But as I said a while ago we do have lost a lot too. I could refer to the Mosquito Research Control Unit that I think has been one department of Government that really has played a part in making life much more comfortable in this country. Even Caymanians, twice, occasionally when they feel a few mosquitoes they get a bit fussy; "Mosquito Research is not doing anything", they say. But I remember, Sir, at sundown many an evening when we had to split a little smoke pot and put it inside the door so that we might be rewarded for an attack during the night. Well, we can leave the door open now, even put on the air-conditioner, and all is well.

MR. CHADDOCK EDWARDS, JP (CONTINUING): With such improvements, Sir, it has brought much to this country. And there is only one department of investment that is really not working for all they can get in return. All investments, all investors in this country, and I am not saying, Mr. President, they must not get some return, but they are out to get their share and some more.

I am hoping, Mr. President, when laws are being prepared for the sitting that instead of getting seven days prior to the House meeting, that we could get an extension of time, when sending them out, that we could have futher studies.

The Court, the judges in the Court, find the loopholes, the work gangs, the clerks in the law after it leaves here where they have a problem. They feel sometimes that they have been too hastily gone through, not a proper study before and I feel, Sir, that the time has come when we should be given more time so that Members can get together and debate some of these things. Because getting them in seven days is just not that easy for Members to meet to get down to brass tacks and study and probably get the Attorney General in and ask questions on all of these things on it. So I feel that the binding should be more lengthy, the draft Bills should be sent out to Members for a longer period of study than what we have been having.

The regulations, Sir, are another problem. Most people do not refer to the regulations. When something happens that the public are not quite satisfied about, they say you made that law, you passed that law to do this and to do that and in most cases, Sir, it is not the law, it is the regulation covering the law. The four Elected Members have to take the bottom across the neck for the grievances of the public, and the regulations have been made with the Governor and Executive Council. It has always been said that to save time is the reason why the regulations were made by the Governor in Council. Well, I could agree to a certain extent, Sir, but if we have the law and we want to change one word in the law than the Governor in Council does not to do that, they must bring it to the House. Then if they can wait two months after discovering that one word needs to be changed in the law, or without calling an emergency meeting to deal with it, if they can wait for two months, or three months, to deal with this then why not set some timetable in dealing with regulations that Members can be brought in to have a say in it as well, because as I said, we get the bottom across the neck. The law has done this and the law has done that, and when in fact it is not the law, it is the regulations. So that, Sir, is one thing that I feel needs to be gone into and consideration be given to make some adjustment in it. I do not know how far, but I feel it is worth trying and I feel that the eight Elected Members are justified for this to be done. If I had not had a broad shoulder and plenty of salt water skin, I would not have been able to take all the lickings I have gotten. But let us share it on, let everybody get a bit of it.

Education, Mr. President, we have come a long way with our schooling and educating our people. For those who have taken an interest to further their education we are doing remarkable well. They are filling positions to run the country to help benefit the country, but I feel, Sir, that while we are spending the amount that is to be spent on education yearly, this year is something in the bracket of $3M, every boy and girl ought to come out and be reasonable able to go to some type of job. I know the teachers cannot solit their heads open and put it in, but there still seems to be a bit of lack somewhere. We have two, three private schools or something and they get a bit of help from Government. I had a copy of a letter from a young lady some weeks back who attended Prince 'C' School; she came out with good passes, she was ready to go into the working field and she got a job with Government in the Glass House some place, but she was soon told that with the American-type of education that she was taught under is not a high standard. Well, that might be quite true, Sir, but it appears that she ought to have been given a reasonable chance to prove

MR. CHADDOCK EBANKS, JP (CONTINUING): her qualities. Besides that if that be so that the American standard of education is a bit lower than the English, then we want to sit on it remember that we have some Americans employed in this country working for Government. Then if their qualifications and education is lower, why have them, and then somebody as a Caymanian being taught the American standard of education who goes out in the field cannot work for Government. I think these are the things that need to be gone into. There is nothing, Sir, that can create a stumbling anymore than discouragement. When one is not attempted to be lifted and encouraged and helped, then they must become discouraged and a stumbling block in their own life and in the way of others as well.

Alcohol and drugs; with our population of 10,000 and with the one million and a half or two million inhabitants of Jamaica, it is one of the biggest manufacturing countries for liquor in the West Indies, and I believe that there is more liquor drunk in the Cayman Islands per capita than in Jamaica. There just seems to be no limit, no control with the young, the younger, the youngest, the middle-aged and the old. Drugs are taking a toll with our young people and in my opinion, Sir, that is why many of these are now in the Northward Prison.

We are about, Mr. President, to introduce a Building Code. I would hope, Sir, that in formulating the rulings together of a Building Code that it would be made somewhat flexible. We have the local people, the poor people as we refer to, and to lay down a hard, stern Building Code, as to the type of material and reinforcements that might be used or would to be used, then it might create a bit of a problem for the ordinary, poorer people who are building a small building home. This is being done somewhat as a protection against here in the case of earthquakes and hurricanes. Well, it looks like we have survived earthquakes and hurricanes as well as anywhere else in the whole world where they have most building codes and have built all kinds of buildings under that building code, but they still tumble.

Lands and Survey Department, Mr. President. You have already heard quite a bit said about it which you heard arising out of the question that was put forth. I had an experience a few months back when I went to have a lot from my father's estate transferred to my niece and everything was taken care of, all the papers were made up and signed and I was told to come back in three weeks time. I went back in three weeks and they could not even find it. They told me I must bring back my copy. I said, "I left what you required here". So there seems to be something lacking somewhere, somehow in that department because to be having to wait three weeks, six weeks, two months, three months, four months, it is not reasonable, Sir.

Water and sewerage, Mr. President, is a must. If we are to continue in our development and the flow of visitors to this Island, undoubtedly we do need a water system. And I trust, Sir, that this too will turn out to be a successful scheme. There are a lot of people who have wells and cisterns; there are many who do not, so I am hoping that in the near future this will be the heralding of the light for the betterment of the people in this Island.

You mentioned, Sir, in your Address that there was something like over 195 million pieces of mail handled in the Post Office during 1981, but for six months they were short-staffed. Now that does not seem, Mr. President, that that should be. If they needed one or two junior staff members for collecting, sorting or stamping mail, or something, you want to tell me in the run of six months they could not have found staff for the Post Office? That seems to me, Sir, to be gross negligence somewhere by someone.

Public Works. If there is a department that is overloaded with work, I think it is the Public Works. But still in some areas it seems that they ought to get more done. But nevertheless they are doing a magnificent job. If we could find some means, some of

MR. CHAUCER HANKS, JP (CONTINUING): our young people working in such places as the Public Works who could make themselves more interested and more dedicated, then we would get more work done. But it just does not seem to work out, Sir, lack of proper supervision, I think, some of it: maybe to get someone to supervise to have to get someone to supervise that one, and so it goes on. Anyway, as I said, they are doing a great job, they are trying to work on every end of the Island at the same time. If they had more equipment so that they did not have to wait twice a week to maintain or repair it, then we could get more done.

Mr. President, I can assure you that I have appreciated all that our Mother country has ever done for us, and I, Sir, will still look forward to our Mother country as our guide, our help, our hope, but we cannot maintain and carry out the proper work primarily like under the Public Works, when we get equipment from Britain and it breaks down and you have to wait three months or six months to get the part, then that is a failure, Sir. And I have seen that on many occasions. I remember when Public Works was across the road here and they had only one roller and the roller laid at the Public works for six months to get a small part from Britain for it. If we had equipment from the Western hemisphere, Canada or the United States, which was standardized then somebody could get on the phone, we write out the part and have him back and get it going. But when you have to wait months then, Sir, the country suffers for the work that needs to be done.

We have inventors, Mr. President, who came to this country a number of years ago and got franchises to do business in this country and this was stressed a while ago by the Member from Cayman Brac when he referred to Cable and Wireless. What hurts us, Mr. President, is when this Government grants an investor a franchise to do business in this country and they make a majority, in a lot of cases the people suffer. For the last ten, twelve, fourteen years that Cable and Wireless has been here in our two by four Island, 22 miles long and 7 miles wide, and until today they are unable (and only God knows when) to supply communications needs to known in this country. I mean that is ridiculous.

I remember a few years back when we were talking about getting, or hoping to get electricity, to the Eastern districts, we got that by Government loaning Caribbean Utilities money to put electricity through to East End and North Side.

When the Managing Director for Cable and Wireless in the Caribbean hemisphere visited Cayman, I was talking to him about the telephone and things for the Eastern districts and I said, "Well you have already spent $30,000 or $40,000 on value". He said, "Well it is easier for us to throw that $35,000 to one side and to spend more". So I figured he was telling me indirectly that his interest to see that the Eastern districts get telephones, did not matter. Yet when they wanted a franchise the whole Island had to be included.

When they made application and wanted the land to put the building on, the land across the road here by Woods Furniture and the bank building and the parking lot that was just completed, the whole area was referred to them as a good area. They said, "No, no, no", they did not want anything like that, "we just want a little place", and they selected this corner over here and they figured to do only business in George Town and West Bay. They came in with a five-year programme and in less than twelve months they had to carry that and start out anew. And every six to twelve months they have to screw what they intended or started doing. And it is still going on today. I mean, Mr. President, a company like Cable and Wireless that is 100 to 150 years old doing business that is supposed to have the most sophisticated, advanced, far sightseeing inventors in the world, and in a little two by four Island like this they cannot come to a figure and a time to say we can do this and we will do that.

Two years ago when they did build on

MR. CRADDOCK EBANKS, JP (CONTINUING): eighteen in East End and North Side, they started taking some of the equipment out of this building here to put into it. They started in North Side and before they finished it they concluded that it was inadequate and they were not going to continue with it. They stopped it and ordered new equipment. That equipment was supposed to have been enough for 15 and 20 years. Before it was installed they found out it did not suffice, it wasn't enough. You in North Side they have 30 to 35 on a waiting list and they might get telephones next year. They have to order new equipment again. That is why the Member could not be understood why they did not want East End and North Side equipment to be dumped in Cayman Brac. They are dumping everything on them and every place that they can get the chance.

And further, Mr. President, Government gets nothing out of them. Everything that comes into this country comes in duty-free. And if I go to Miami and bring back a khaki pants I have to pay duty on it. There is no concrete control over their behaviour, the two utilities, Sir. With orders that they want to change, they change. They get around it somehow, somehow, sometime, and it is not good, Sir, it is not good. When we are going to let investors run the country, then it is time to look into it.

As I said, Sir, investors come here to make money, they come here to make a profit, and they must make a profit, they must make money. But do not take the people for a ride here back. In the United States where they have tax on everything that you have, you can get electricity in homes with every kind of equipment with push-buttons and it costs $20 to $30 a month and have a house with two or three baths and one refrigerator which costs $10 to $60 a month. The paper that the franchise was written on, Sir, was just vested power as far as the people getting the benefits, or what they ought to get, are concerned. And like I have recently understood, Caribbean Utilities' franchise gives them the privilege to turn it over for another 20 years. We must live under this what we have been living under for years. I know, Mr. President, there are people who work in town from my area and one individual living in a house has one fridge, two water pumps, and when they leave home at 7:00 o'clock in the morning and go back home at 5:30 and 6:00 o'clock in the evening and one charged $45 to $50 for the month for electricity, there has to be something wrong, Sir.

Mr. President, maybe you wondered if I was really going to stop for the evening. I am not making this one too lengthy, but before departing, Sir, from you I would like to take this opportunity of saying a few words. Most people in here do not know that Mr. Johnson is a North Sider you know, Sir. That is why he is so strong and such a stalwart man. He really was not born there, but he came there as a little tot along with the rest of his family who lived there and they cultivated and did farming. And I guess we were getting too fast-going for them so they decided they would move into town. So this is where he settled in and I must say, Mr. President, the family of the Johnsons have proven to be a great, great asset to this country. Most of them qualified and filled your positions. To Mr. Johnson, I believe once in a while he got a bit bored with me too, but he never turned me away. If we did not agree or see eye-to-eye, he still shook hands and parted with a smile and I would go back again. So since Mr. Johnson is leaving as Financial Secretary, I think that I am duty bound to carry on for a little bit longer and wait on him until he comes back. I must congratulate him on the role that he has played in controlling that little bag. If you asked him for $50 he would say 'no way' but you might get $30.

So Mr. Johnson, as you take your departure and go home I am wishing for you and your family the healthiest and the best of every good blessing that God can bestow on you and your family to be with you in your pre-retirement days. And if you put the

MR. CHADDOCK EBANKS, JP (CONTINUING): work feeling like I do, meanwhile when I am not working, I am sure you will soon come back in some time to help out. So I again say I wish for you and your family, the best of everything.

Mr. President, I thank you, Sir, for bearing with me for a little bit and I look forward to hearing further contributions such as this, and besides that I do trust that we will be able, some time in the near future, to meet in an informal session that I may say some things that I would not attempt to say here.

So I will say, Sir, thank you for bearing with me and God bless you and your family during your stay in the Cayman Islands.

I thank you, Sir.

MR. BENSON O BANKS: Mr. President, I too wish to associate myself with the compliments offered to you on a concise and eloquent Throne Speech and to say welcome to you as President of this Assembly.

I trust that the time spent in this Assembly will be enjoyable and rewarding to yourself and that the country will benefit through your conduct of the proceedings here. I trust that you and Mrs. Lloyd will enjoy your stay with us and I am sure that we will benefit from your presence.

The Throne Speech following so closely as it has on the Budget Speech does not leave a lot of latitude for new debate, especially since the Government Members have not elaborated on the issues raised in the Speech, which, by its very nature must be brief and not specific.

Now, Mr. President, the combined surplus of $11,33M is a healthy sum of money, but I wonder if a full and complete analysis of this territory was undertaken whether that figure would seem quite so glowing. For example, Mr. President, if Government were to liquidate the loan which we have guaranteed for Owmet Airways and if we were to combine with that the assistance which we have already given to this airline by way of payments of interest on that loan, it would just about wipe out the $13.0M general reserve which we have.

Then again bearing in mind that custom duties and revenue stamps on the sale of real estate account for approximately 50% of total revenue, we must ask ourselves at what expense have we accumulated this surplus? Further on in the Throne Speech we are told that there has been over-building in the tourist industry, we are told that we are having to employ consultants to augment the traffic jam and more over, and I will deal with those areas when I get to them. But what I am really saying here, have we achieved this position in a planned and orderly fashion? Have we enhanced the quality of life as much as we should have when accumulating this surplus? Are the services on the Government increments to the standards that we would normally expect? We have heard where it takes approximately 18 weeks to have a document processed in the Land Registry. One Member gave an example of what would be something like 5 months and it still has not been processed.

So, Mr. President, this is a question which has to be posed. The surplus notwithstanding, in particular - I think a few hotel rooms would be ventured that we referred to here on the West Bay Beach - the spectre of alleviating more traffic on the West Bay Road than all of the other developments put together on that road. And one wonders what the traffic situation is going to be when that is complete.

I hope always sustained, Mr. President, that our economy, being based on tourism and offshore finance, should be subject and channelled in such a way that the quality of life for those who live here and those who visit would always be improved by any development which takes place.

ADJOURNMENT

MR. PRESIDENT: I am advised that the tape needs to be changed and I wonder whether it would be inconvenient for the Member and for other Honourable Members if I invited the House to break for fifteen minutes. We could either do that or in view of the fact that I believe there is another meeting at 2:30, we could adjourn for the day. I am in the hand of Members. I am sorry to have interrupted the Member, I did not realise that there might be this problem.

HON. DENNIS H. FOSTER, CBE, JP: I think we could probably adjourn for fifteen minutes.

MR. PRESIDENT: If that is the wish of most Honourable Members. I will have to ask the Member who was speaking to forgive me, I had not anticipated this particular problem. I think I sense without most Members would welcome the adjournment. Maybe I can invite you to move it? Would you like to move the adjournment?

HON. DENNIS H. FOSTER, CBE, JP: Just for fifteen minutes, Sir, or until tomorrow?

MR. PRESIDENT: I thought Members meant until tomorrow, but we could resume and have another ten minutes of the Member speaking. Would that suffice or do you really need rather longer than that because I am reluctant to keep on interrupting you?

MR. PERSON O. BRAMBLE: I am in your hands, Mr. President, but I will not finish in ten minutes.

MR. PRESIDENT: I think if we adjourn now for fifteen minutes we would only be able to resume for ten, so perhaps it is fairer to the Member to adjourn until tomorrow morning.

HON. DENNIS H. FOSTER, CBE, JP: Mr. President, I move the adjournment of this House until 10:00 o'clock tomorrow morning, Sir.

QUESTION PUT: AGREED. AT 1:00 P.M. THE HOUSE ADJOURNED UNTIL TUESDAY, 23RD MARCH, 1982 AT 10:00 A.M.

STATE OPENING OF
FIRST MEETING OF THE (1982) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON TUESDAY, 23RD MARCH, 1982

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR C PETER LLOYD, CMG - PRESIDENT

GOVERNMENT MEMBERS

HON D M FOSTER, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON J P WILKINSON, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON V G JOHNSON, OBE, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN P MCLEAN	MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M HODDEN	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M SOLOMON	MEMBER FOR SECURITY CIVIL AVIATION AND TRADE
HON O RAYMOND HODDEN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

* MR J CARSON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D BALMAIN EVANGE	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR PERSON O EVANGE	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 NORAH 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 LESSER ISLANDS
LT/CDR MARY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CHADDOCK FRANKS, JP	ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF NORTH SIDE

* Absent - Apologies received

ORDERS OF THE DAY

TUESDAY
23RD MARCH, 1982 AT 10:00 A.M.

1. QUESTIONS:-

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

NO. 11: Will the Member inform this House the total number of persons who have been granted Caymanian Status from the inception of The Caymanian Protection Law until the 28th day of February, 1982 indicating the country of origin?

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

NO. 12: Will the Member make a statement setting out the procedure of travel documents of accused persons who have been retained in custody or released on bail, and the name of the Government Department responsible to have the custody and control of travel documents?

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

NO. 13: Will the Member state the amount that has been spent on the Cayman Islands News Bureau from its inception on the 1st of September, 1981 to the 28th of February, 1982?

2. GOVERNMENT BUSINESS:

BILLS -

(1) The Radio (Amendment) Law, 1982 - FIRST & SECOND READINGS COMMITTEE THEREON

3. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

DELIVERED BY HIS EXCELLENCY THE GOVERNOR, MR PETER LLOYD, CMG, AT THE STATE OPENING OF THE LEGISLATIVE ASSEMBLY ON WEDNESDAY, 17TH MARCH, 1982.

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TUESDAY 23RD MARCH, 1992

10:00 A.M.

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

QUESTIONS

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

No.11. Will the Member inform this House the total number of persons who have been granted Caymanian Status from the inception of The Caymanian Protection Law until the 28th day of February, 1992 indicating the country of origin?

ANSWER:

The number of persons granted Caymanian Status by the Caymanian Protection Board from the inception of the Caymanian Protection Law until the 28th day of February, 1992 is 372. The breakdown of countries of origin is as follows:-

U.K.	-	103
Jamaica	-	119
Bahamian	-	1
Trinidadian	-	4
Belizean	-	20
Barbadian	-	9
Canadian	-	13
Australian	-	1
Turks Islander	-	1
Montserrat	-	1

The number of dependants of these persons amounts to 193, but it should be noted that the majority of these are children and have status only until 18 years of age. The total, therefore, including dependants, comes to 465.

SUPPLEMENTARY:

MR. NORMAN BODDEN: Mr. President, I have a supplementary, Sir. I wonder if the Member could inform this honourable house if my quota has been set as to the number who will be granted Caymanian Status for the year 1992.

HON. D.B. FOSTER: Mr. President, this Government promised the people to endeavour to clear up the back log, and that is what we are trying to do now, Sir. However, a lot that was granted this year is included in the figures I have given, which is about 77. Having cleared up the back log we will try -(which does not mean that everybody is going to get, Sir, I might explain that) - having cleared up the back log we will then try to set a policy including a quota on them.

MR. PRESIDENT: If there is no further supplementary, I will invite the Member to ask the second question.

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

No.12. Will the Member make a statement setting out the procedure of travel documents of accused persons who have been retained in custody or released on bail, and the name of the Government Department responsible to have the custody and control of travel documents?

ANSWER:

Travel documents of accused persons may only be kept by order of a court no matter whether the persons have been retained in custody or released on bail. They are ordinarily kept by the police unless the court gives special instructions about their custody.

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

No.13. Will the Member state the amount that has been spent on the Cayman Islands News Bureau from its inception on the 1st September, 1981 to the 28th February, 1982?

ANSWER:

The amount that has been spent on the Cayman Islands News Bureau from its inception on the 1st September, 1981 to the 28th February, 1982 is CI$72,581.69.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Would the Member be able to state whether this is primarily for salaries?

HON. D.H. FOSTER: No, Sir. We pay a monthly amount in accordance with the signed contract. I do not know how it is dispersed really by them, Sir.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary Sir. Can the Member say how they come to this amount then if he cannot say that these are the salaries?

MR. PRESIDENT: What the question, how do we come to this amount?

MR. CRADDOCK EBANKS: If this is not the amount for salaries, what then brings in the amount?

MR. PRESIDENT: I think the Honourable Member explained that there is a contract which provides for a certain monthly sum to be paid, that is my understanding.

CAPT. C.L. KIRKCONNELL: Mr. President, a supplementary, Sir. Could the Member state whether this sum of money spent by the News Bureau has been spent locally or is this a combination of local expenditure and foreign expenditure by the News Bureau?

HON. D.H. FOSTER: Mr. President, from September to December it was purely local, I think from January on there was an element that comes in for the foreign part, for the Miami part of it for outside dealing with publicity and other articles on the Cayman Islands that we request to be published abroad and so on. But that element only came in, I think in January, Sir.

CAPT. C.L. KIRKCONNELL: Mr. President, a further supplementary. This seems like an awful lot of money to be spending by the News Bureau apart from salaries, for just local expenditure it looks to me it is running about $1450.00 ....

HON. TRUMAN M. BODDEN: Mr. President, with respect, Sir, I do not know if the Member can really make a statement.

MR. PRESIDENT: I was hoping he was coming to his question quite soon, and I was going to stop him if he did not. So far it is in the form of a statement not in the form of a question.

CAPT. C.L. KIRKCONNELL: Mr. President, I was leading up to the question. My question was, if they have spent fourteen thousand five hundred and odd dollars per month how was this spent? Was it spent on entertainment or what really has the bulk of this money been spent on?

HON. D.H. FOSTER: Mr. President, this is the contractual amount that we pay to the service monthly. It includes salaries, rental, telephone, the whole works, the whole complete operation and service that they provide to us, Sir.

MR. PRESIDENT: If there is no further supplementary, perhaps we can move to the next item of business on the Order Paper.

THE RADIO (AMENDMENT) LAW, 1982

FIRST READING

CLERK: The Radio (Amendment) Law, 1982.

MR. PRESIDENT: The Bill entitled "The Radio (Amendment) Law, 1982" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Radio (Amendment) Law, 1982.

HON. G. HAIG BODDEN: Mr. President, I move the second reading of a Bill entitled "The Radio (Amendment) Law, 1982".

This amending bill seeks to change Section 6 of the Radio Law. Section 6 of the Law provides for the licensing of radios within the Islands or in the territorial waters, it does not provide for the licensing of radios on ships which are registered in the Island. And this amendment seeks to correct this defect in the law so that in the future any vessel which is registered in the island and which has a radio on it would require a licence in order to operate that licence regardless of whether the ship was in the island or not.

It is a small amendment, and I would ask the support of Members for it.

MR. PRESIDENT: The question is that a Bill entitled "The Radio (Amendment) Law, 1982" be given a second reading. The motion is open for debate.

If no member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: The House will now go into committee to study a Bill entitled "The Radio (Amendment) Law, 1982".

The House is now in committee.

THE RADIO (AMENDMENT) LAW, 1982

COMMITTEE THEREOF

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 6 OF LAW 7 OF 1975.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE RADIO LAW.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on a bill entitled "The Radio (Amendment) Law, 1982". The House will resume.

HOUSE RESUMED.

THE RADIO (AMENDMENT) LAW, 1982

REPORT THEREON

HON. G. HAIG BODDEN: Mr. President, I have to report that a bill entitled "The Radio (Amendment) Law, 1982" was considered by a committee of the whole House and passed without any amendments.

MR. PRESIDENT: A Bill entitled "The Radio (Amendment) Law, 1982" has been duly reported and is set down for third reading.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MR. BENSON O. EBANKS: Mr. President, when the adjournment was taken yesterday I was saying that I hold the view that whatever development we permitted in these Islands its effect upon the quality of life of all of those who live, work and visit here should always be of paramount concern to Government. To do otherwise is to run the risk of destroying those attractions which bring people to our shores in the first instance. I have always been of the view that given the right international economic climate it would not be difficult to achieve for a time a runaway economy in these Islands.

Mr. President, there are in these Islands a mentality that Government could not regulate its development, that a boom was a boom and a boom it had to be. It is my contention that such a mentality can only lead to disaster sooner or later. I hope that the depressed world economic condition at this time will enable us to have a look at where we are heading before it is too late. There is no doubt in my mind whatever that we will pay a price in social terms for the runaway development which we experienced during the past few years. Mr. President, I will develop this idea further on in my contribution.

With regard to the progress made by the Currency Board I would only add that in addition to what has already been said one has to wonder whether the Cayman Islands could have developed at all if we had not taken the decision ten years ago to issue our own currency.

Police. It is acknowledged that much progress was made in this department during 1981, but I question whether the acquisition of the sea going patrol boat met the purpose entirely for which it was purchased. In fact, since the crew for this boat is only now being recruited one must ask the question, why the delay? We were told that the boat did not need any substantial repairs, and we must wonder why it has not been put into full service before now.

Additionally, I am reliably informed that only a few weeks ago in broad day light a boat from foreign shores was seen discharging what appeared to be ganja in the West Bay area, and then put back to sea without any molestation whatsoever.

The new prison. The statement that there was one breach of security involving two prisoners who were both soon returned to custody comes as a bit of a surprise to me. It is my understanding, according to the local press, that there are at least two prisoners who escaped from that institution who are still at large. I am not sure, Mr.

MR. BENSON O. EBANKS (CONTINUING): President, whether the explanation for this could be that this escape took place subsequent to the information given for the speech, and for that reason it has not been included here. But I would like some clarification on this point.

It is gratifying to note that Radio Cayman is now self-supporting financially, and that it appears likely that it will soon begin to contribute to the revenue of the country. This facility, although not perfect in all respects, is providing a valuable service to the territory, and fully justifies the decision to institute the service.

While on this subject, Mr. President, I must voice my disappointment that mention has not been made in the Throne Speech of television. Government invited bids for the service with a closing date of 1st September last year, and it would seem that some decision should have been made by this time. It would also seem or would seem not unreasonable that if a decision is delayed much longer than the projections which were given in any applications will become outdated. I think there was also a stipulation in the invitation to bid that the successful applicant would be required to put the facility into service within six months, and with this sense of urgency I think it is more reasonable that the public should know what is happening. And I would hope that the appropriate Member of Government will make some mention of this during his contribution to this debate.

It is noted that the junction programme will now be wholly financed by the government. During the debate on the Budget Address a few months ago I raised the question as to what took place with the programme in 1981, and unfortunately my query appeared to have fallen on deaf ears. From question time during this sitting it has been learnt that all did not go well with the consultancy to be provided by Columbia University, and that the programme suffered adversely as a result. We were also told that although it is the intention of Government to employ consultants for the ongoing programme, that up to this time this has not been decided or the consultant has not been decided upon. It goes without saying, Mr. President, that the technical input required for this programme is not now available within the government service, and I hope that this appointment will be made soon. I hope that the reason for the discontinuance of support to this programme by UNFP and the United Nations' fund for population activities is not as a result of Government dragging its feet on this programme. It is, in my opinion, a programme that has too far reaching effects for the future of this country to allow it to become bogged down.

I am a bit surprised to see that the schools' dental programme is now only been implemented. Six years ago most of the ground work had been laid for this programme, including the training of personnel, and I would have thought that it would have been in effect much before this.

It is pleasing to note the continued improvement in our educational system, and especially to see that the Community College will soon become an institution in its own right. This I advocated in my contribution to the Throne Speech last year; the possibilities for this institution for good in this community are almost limitless.

Mr. President, one of the most disturbing set of statistics given in the speech is the statistics of an 82% increase in prohibitionary cases, and a 50% increase in juvenile court cases coupled with the fact that some 24% of all new receptions to the new prison are young males under 21 years of age. These are disturbing statistics indeed, and it is a clear indication that there is a growing problem in the community which needs urgent attention.

Mr. President, having looked at the report of the Cayman Islands Police Force put on my desk this morning, it appears that the 50% increase in juvenile court cases might be incorrect but I can only use the statistics which I have had before me. And I will continue on the social problems that I was mentioning.

In this connection it is noted that a social development officer is to start recognising and restructuring the

MR. BENSON O. EBANKS (CONTINUING): department of Social Services. It is not clear exactly what this reorganisation and restructuring will be, but it is to be hoped that this is not just an in-house reorganisation of the department but that it will include an indepthstudy of the entire social fabric of the society which will result in remedial steps being taken to arrest what is obviously a deteriorating social pattern especially among young people in our society.

Under Agriculture, Lands and Natural Resources it is noted that the Development Plan 1977 will be reviewed during 1982, and it is hoped that the result will be a plan that takes into account all aspects of development; the revenue requirements of the territory, the number of jobs needed to be created to cater to persons coming on the job market, and the social impact generally on the Islands. It is to be hoped that the water authority to be establish under the water and sewerage Bill will become a reality at an early date. The water leases that are left uncontaminated in these Islands must be preserved at all cost.

It is heartening to note, Mr. President, the amount of emphasis that is being placed on agricultural production during 1982, and I can only hope that it meets with success.

Under Communications and Works, it is noted that work is to start on the Barkers Road, and I take this to mean the road east of the present development in Barkers. While I do not object to this road being built in due course I would have preferred to have seen existing roads in my district which have been there for generations widened and completed before the Barkers Road, which serves no inhabitants, was undertaken. And I speak specifically of the Bush Pond Road in West Bay which is so narrow that it is a virtural death trap to the people who live on that road and have to use it.

The Public Works Department claimed that their machine for trimming the verges of that road cannot even negotiate it because it is so narrow, yet it is one of the oldest roads in my district. And what is worse, I was given the assurance in this House that this road was included in the roadprogramme for 1981. I was given a similar assurance with respect to the Mount Pleasant/Barkers Road, and I would hope that these two roads can be given attention this year.

Mr. President, under Communications and Works I also see included (a) the tourist landing fare at Spotts to be extended and (b) an extension to the tourist landing area at George Town. When we were voting money for the repair of the Spotts tourist jetty last year I made the point that it would be more valuable to build a tourist jetty in West Bay, and it appears that my argument has more validity today than it even had then. It appears that the number of cruise ship passengers landing in George Town are too many for the present facility. I think it is also generally agreed that when more than, say, three tourist ships are in port at the same time the Town is congested that the shops are not able to adequately cope with the numbers of people and that it makes life in general miserable in Town.

Now if a jetty were constructed in West Bay, not only would it serve as an alternative to George Town in the North-wester season but it could be used most of the year, this is not so in the case of Spotts; West Bay could lend more utility because of its situation. Government has the land there and the cost would be modest in my opinion; not only would it relieve the congestion on George Town but it would bring some economic activity to the West Bay district. It is about the same distance from West Bay to the Hotel area as it is from George Town so no additional expense would be incurred by the tourists, and additionally we have the attraction of the Turtle Farm in West Bay. So I am suggesting, Mr. President, that Government give serious consideration to this alternative.

There use in West Bay a wooden jetty which stood there for almost half a century, so it should not be impossible in this modern day and age of improved engineering ability to put down a structure that would last for an indefinite period.

MR. BENSON O. EBANKS (CONTINUING): It is pleasing to note, Mr. President, that the Islands recorded a modest growth in tourism arrivals by air, that is 3.6%, at a time when tourism in the Caribbean generally was down. However, these figures do not look as impressive when it is seen that at the same time 30% more rooms for tourist accommodation became available than in 1980, resulting in lower hotel occupancies. With the rooms projected to be completed during 1982, and may be early 1983 the situation becomes even more depressing.

This Legislature was promised copies of the ten year tourism plan early this year, and it is to be hoped this will be forthcoming especially in view of the impending review of the 1977 Development Plan. Mr. President, it is here that I will attempt to try to collate what I have been saying about over development and deteriorating social patterns. I am of the firm opinion that the deteriorating social patterns, and even attitudes to work can be attributed directly to over development. In my opinion what we see now is but the hiccup of a much more serious case of indigestion to come. I await that tourism development study with much interest, and I trust that this will be forthcoming.

Now Mr. President, before the Government bench replies and tries to say that I am advocating a path that will lead to a period of negative growth, I would just like to say that my views on this matter are no secret, I have always advocated planned guided development. And to show that this philosophy worked I would like to quote a few statistics regarding tourist arrivals since 1970, and I am speaking primarily of tourist arrivals by air. Arrivals in 1971 over 1970 increased by 8.4%, 1972 over 1971 by 25.8%, 1973 over 1972 by 29.3%, the largest percentage increase recorded during the decade. 1974 over 1973 16.1% 1975 over 1974 2%, and it is interesting to note that by and in that year the percentage increase was 793.4%, the largest to date. 1976 again over 1975 increased by 19.6%, 1977 over 1976 by 3.6% and 1978 over 1977 by 10.3%, 1979 over 1978 by 30%, 1980 over 1979 by 19.6% and 1981 over 1980 by 3.6%. And you will readily see that except for the recession year of 1974 -1975 arrivals grew steadily from 1970 through 1976, and during that period it was well known what the philosophy of the Government was concerning planned,dirmated development particularly in the tourist industry. In that period too, Mr. President, we had many fine tourist properties added.

Now Mr. President, having said all of that, permit me to say, that to fill all of the additional rooms available by the end of this year and next will put the owners and operators of these properties in a very difficult position to find personnel to manage them or to service them. And in my opinion this will mean that the hotel and condominium projects and Government will have to make some decision as to what will happen about the provision of labour to operate these additional rooms. And here,Mr. President, I would like to make the same plea which I did last year, and that is that Government give serious consideration to allowing those persons in Cuba of Caymanian origin who have relatives here and who wish to get out of Cuba, and who when processed by the British Embassy or some other authority on Government's behalf are found to be healthy and have clean police records to come to the Cayman Islands. These persons, although many were born in Cuba are familiar with the Caymanian way of life and habits and will in my opinion make good citizens. Such of those persons have returned to the Island in the late 1960s, all contributed to our society, they were sober, hard working, and most were possessed of some skill needed within the community. I contend, Mr. President, that we have less to fear from these people by way of bringing in communist ideologies than from those who have not really lived under communism but to whom it has been offered as a panacea.

Cayman Airways, Mr. President. And with your permission I would like to read the paragraph of the Speech relating to this item so that there will be no confusion about what I will say. "A new Managing Director of Cayman Airways was appointed in March 1981 and subsequently certain staff changes were made during the year. Government provided the airline with almost $1.6 million in assistance during the year.

MR. BENSON O. EBANKS (CONTINUING): Despite good payloads it is still experiencing financial difficulties, like most other airlines during these times. A very serious look will have to be taken this year to maximising its efficiency and making it self-supporting. As Cayman Airways was established to provide an essential service to these Islands, the support of this Honourable House will be necessary to ensure its continuance.".

Mr. President, in my view it is just as fallacious to compare Cayman Airways financial problems to those of other airlines as it is to attribute the cause of its financial problems to its under-capitalisation when Government is continuously paying the interest on its loan. The only problem Cayman Airways has in common with other airlines is an escalated fuel cost, and this in itself is not devastating. Other airlines are plagued by low load factors and corporate fares brought about by de-regulation of the airline industry and to a lesser extent by the reduced travellers because of the depressed world economy. Cayman Airways has no such problem, it is admitted in the speech that the airline has had good load factors. As to maximising its efficiency I would have thought this to have been its goal from the inception.

I cannot say under what premise Cayman Airways in its present form was established, I regard it as a desirable service but not an essential one to the extent that it becomes an intolerable drain upon the economy of this country. I agree with those Members who have said that a proper feasibility study should have been made to determine whether the airline could be viable, and if so, what would be the cost to the country if indeed a subsidy was considered necessary. Since this does not appear to have been done I am hoping that it will be done soon, and if the cost to the country is prohibitive then, Mr. President, it will not have my support. On the other hand if the study shows otherwise, then it will have my full support, but I am not committing myself blindly to supporting any enterprise.

One of the problems with Cayman Airways, Mr. President, as far as the Caymanian public is concerned is that right up until November, 1980 they were being told that it was a profitable operation. There are people in my constituency who still believe that the second jet and the freight plane were bought with profits on the operation of the first jet, and of course, Mr. President, we all know this is not so.

I am pleased to see that labour legislation is contemplated to establish basic working conditions and terms of employment in the near future. I believe this is needed badly and the quicker such legislation is introduced the better.

In closing, Mr. President, I wish to repeat what I said during the Budget debate a short time ago regarding the Financial Secretary whose last meeting of the Legislative Assembly this is. He leaves this Chamber and his job with my full confidence and gratitude for a job well done for these Islands, his record and standard of work and achievement is such that it should be an inspiration to all and a challenge to be emulated by younger Civil Servants. I wish for him and his wife and family a very long and happy retirement.

Thank you, Mr. President.

MR. PRESIDENT: Perhaps before the Honourable Member speaks I would propose to suggest an adjournment in perhaps a quarter of an hour or twenty minutes time for fifteen minutes, unless the Honourable Member would sooner that the adjournment take place before he speaks.

HON. JAMES M. BODDEN: Yes Sir, I will go along with that, we can have the adjournment now and I will speak when we come back.

MR. PRESIDENT: Then with the permission of the House I will suspend proceedings for fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

HON. JAMES M. BODDEN: Mr. President, it is my pleasure to add my small part to the debate on the Throne Speech which details the condition of the country for the year 1982.

I am very proud to have been a part of the team that has created the economic turn around in our country since 1976. Everyone in this territory that was alive in 1976 is quite aware of the conditions of the country between the years 1971 and 1976. It has been debated in this august Chamber on many occasions; the public knows it and it is true that people have very short memories, and it is true that one or two of the Members may have been returned since 1976 because of short memories. But it is also an established fact, Mr. President, that people will change their minds, and it is also an established fact that they will continue to remember.

The people in our work force who experienced the pangs of hunger between 1971 and 1976 will not so easily forget that, therefore I am about to explain some of the facts and to answer some of the charges that were levelled a few minutes ago by the last speaker. It is easy to get up and criticise some of the things that are happening today, because they did not have the answers, if they had had the answers we would not have had a clean sweep in the election in 1976. It is very unusual in any Cabinet in any Assembly in any country that all of the Members in the Cabinet are rooted at one time. Before the Member should criticise the policies of this present Government he should reflect back into his looking glass for the years 1971 to 1976. I will deal with these matters as I come to them, Mr. President.

At this point I too would like to extend a warm welcome to you, not just a mere welcome because there is a lot of heat outside today and it is also some heat being generated in the Chamber, but I would like to extend the traditional Caymanian welcome to you, a welcome with open arms to show we like you into our hearts once you have established your feelings for the country. I think you are doing a good job so far in establishing these feelings, and I look forward to working with you very closely in the years to come. I hope that you and your wife will really enjoy yourselves in this country. I would also like to add my words of praise to the Financial Secretary who is sitting in this Chamber probably for the last time in his capacity as Financial Secretary of the Island. In my opinion Mr. Johnson should epitomise to the Cayman public what determination can do for you. I have known Mr. Johnson for over thirty years, nearly forty years now, and the only thing that makes me really feel bad about him going on his well-earned leave is because he is making me remember that I am also getting old. I worked with Mr. Johnson and his brother in the Civil Service of this country many years ago; I left to go to other areas, he stuck it out and he has earned the respect of virtually the entire population of this Island. I wish for him all that is good in the years to come, and that may he and his family enjoy many, many happy years of retirement. Although I hate to use the word retirement, because I am of the opinion that a man of Mr. Johnson's calibre will never retire, it would be like putting me out to pasture.

The Members on the opposite side of the House have alluded several times in the speeches that he would be back in the House. I would welcome Mr. Johnson at any time back into this Chamber, but I would also like to point out that he does not have to wait to win an election to come back into this Chamber, our present Constitution allows without changing the actual Constitution that we can have a Speaker of this House, may be the time has come to have a Caymanian Speaker of this House, and if we were to get to that point, in my opinion Mr. Johnson, with his years of dedication to this country, would be an able person to fill that position.

Now Mr. President, there is very little in the Throne Speech that really should have provoked debate. Originally I

HON. JAMES M. RONDON (CONTINUING): intended to put up, my tribute to Mr. Johnson, welcome you and sit down like the poor speaker I am, but I could not let some of the allegations that were thrown out a few minutes ago go un-answered.

Mr. President, it is said that we would be spending a large amount of reserves of this country in propping up the condition of Cayman Airways. May I point out to this House that the money in the reserves were put there by the efforts of this administration since the election in 1976. We have been elected by a majority of the people therefore we must represent the people's views and therefore it is incumbent on us to spend the money to where it can do the best good for the country as a whole. We are not using money that has been accumulated by a past administration, if we were doing that, Mr. President, we could not have stopped a brawn trunk if our mothers were driving it, because in 1976 as every one well knows there were no reserves left - there was an empty treasury, there was high unemployment and there was a gloom over this country that could not be easily described. That is what the policies of the last administration in the House from the years 1971 to 1976 particularly, left as a heritage to mark their passing into this Assembly. That is what the Caymanian people will always remember that administration for, Sir, because they were let down. Our people were taken to the point to where they had lost most of their self-respect.

He spoke about the mentality that could not control development, such a mentality can only lead to disaster, those were the words of the speaker. I am sure those words were meant to certain Members of this administration, including myself. It is a darn good thing, Mr. President, that we had the mentality that could cope with what was needed to be done in this country, because the mentality that was expressed between 1971 and 1976 took us into the abyss of disaster.

He has spoken about the runaway development which continued for the past few years. Mr. President, that continued development has brought prosperity to this country, it has put our people back to work, it has put them in a position that they can hold their heads up in society; it has put this Government in a position to where no child coming out of school that has the aptitude and the ability to further his education is not given a scholarship, and in some cases we have even gone to the point of paying them to go to school. We could not have paid them in the years 1971 and 1976, not even if we had taken the traditional way of the Caymanians of the 1920's and 1930's and paid with breadfruits because we did not even have that.

Most of the capital expenditure that has being expended from the year 1976 until now has been spent out of our general revenue, the island has been developed from money that has been generated into the general revenue, not having to go on bended knee and beg it or borrow it from some institution, the records will show the small amount of loans that has been taken out by this administration. We are not piling up loans to be paid by a future administration like what we inherited in 1976. It is true the administration of 1976 may have built some nice buildings but they are being paid for since this administration took over and they will have to be finished when many administrations have passed this one. So it is no use of these people trying to whip a dead dog, the public know the position and so do we in this Assembly.

The runaway development that he spoke of has brought money into the Treasury of this island, it has enabled us to have a reserve, it has put us as an envy of the entire Caribbean and may be of the entire world for an island of this sort, this size, this small population maintaining the same infrastructure that has to be maintained in a larger country, and yet for us to be able to balance our budget every year, reduce taxes and have a generous reserve like we have been having, it is unheard of today in most developing countries. That is the stupid mentality he speaks about, the mentality that has done something for this country.

He spoke about the decision ten years ago to issue our own currency. Now ten years is a long time to try to remember, but I have a pretty good memory and can remember. They cannot take the

HON. JAMES M. BODDEN (CONTINUING): full credit for what was done about the currency issue in this country ten years ago, that was done more or less by popular demand, people in the private sector who saw the need for it and who wanted our own currency. The existing administration at that time had to be pressed, and I mean pressed, because I remember the occasions quite well, I was not in politics at the time but I remember the part that was played by many people in the private sector, including Mr. Hunter from Bodden Town who I succeeded in this Chamber. And yet just because through careful management for the past six years we have been able to come up with the Currency Board, having strong reserves, wise investments, and being able, Mr. President, from reserves to back the numismatic coins that were issued under the administration between 1971 and 1976, back them today with a reserve which they did not have the money in the Treasury to back it with. That has been the accomplishment of this administration, not the administration of 1971 to 1976.

He spoke about too many tourists in George Town. Mr. President, again going back into time. I would rather see the amount of tourists that I see on the streets of George Town today bringing economic growth to this territory than to experience the streets of George Town being filled with people in public marches and public protest that we had to raise against his administration because of the condition the country was in and to protect our rights. I would much rather see the tourists fill the streets than to see demonstrators, Mr. President, and I hope you will remember that point.

He has spoken about our development and the deteriorating social patterns and attitudes to work, and he even tried to joke by saying, it could create the hiccups. It is true, Mr. President, that our people as a whole today in some cases have lost what I consider the work ethic of the Caymanian of twenty years ago, but I do not think that is anything new to this country that is not new to society, it has happened in other countries. I have seen the deterioration of the work ethic in North America, and it makes me sick to know what it is like now to what it was twenty or twenty-five years ago, as every country must change, all the social patterns of a country must change, but while you are having these changes you try to do things that will prevent it from getting out of hand; and that is what this administration has been doing. And if you look at what has been accomplished in the social welfare in this Island in the past few years, I would challenge the gentleman who spoke awhile ago to put anything up to compare with it during the administration for which he was more or less one of the leaders. But, Mr. President, I would rather hiccup and have my belly full than to hiccup with an empty belly. And Mr. Member, we hiccuped between 1971 and 1976 and we did it with empty bellies, that is what our population did.

He spoke about being a supporter of planned guided negative growth, and he did for one time this morning speak correctly and truthfully because that administration had plans that kept everything in this country in a bottle neck, and it created negative growth. And that is what the administration of 1971 to 1976 will go down in the history of this Island for two thousand years hence as doing. So it is not going to help to gather any more votes by him flogging this dead dog, that dog is dead.

He spoke about the increases in tourism 1970 onward to 1976, and he was trying to compare it with this period. Here again, Mr. President, is where the gentleman does not know his mathematics and he has lost the fundamental basis in figuring mathematics. It is true, you can have a 75% growth if you have 100 tourists in one month and you bring 175 in the next month, you compare the figures 1971 to 1976, we are talking about small figures, and it was easy to have as he said a 49.3% growth one year. Because probably in that year we had 6,000 people, and if we got 10,000 well we were in a beautiful shape, we had a big increase, but now we are talking about bigger numbers which is the basis from which we are beginning, that is the basic foundation.

HON. JAMES M. BODDEN (CONTINUING): The basis foundation for entering this year was a hundred and twenty something thousand tourist arrivals by air. If we got a fifty percent growth in that we are talking about a lot of tourists, it is not like comparing the 1971 to 1972 when they had 10,000 and they got 15,000, they had fifty percent increase.

From the year 1977 to the end of the year 1980 we have seen just about 100% growth in air arrivals during that period, so I do not have to worry about the record that I have set, we have set a good record. Because in 1976, if I remember correctly, I think the air arrivals were about 64,000 for that year and last year we had a total of 122,000 plus. But I will tell you what it does for me. Mr. President, it reminds me of a story which my colleague has told in this House before and which has been told in several of our political meetings in the past. And this story concerns a lumber camp somewhere up in Oregon in the United States of America. Working at this lumber camp, Mr. President, were 700 men and they had two cooks and the cooks happened to be females. Something happened, whether it was an intervention of nature or what, I do not know, but it was alleged that one of the cooks became pregnant. And the news papers reacted in their usual fashion like what they sometimes do in Cayman, and the next day there was a head-line, and the head-line of that story said "There was this certain lumber camp, and that one percent of the males had made fifty percent of the females pregnant". That is where my learned friend got mixed up a while ago when he was trying to compare the big percentage growth between 1976 and 1978 to 1977 to 1980, he must have remembered that story and somehow his mind could not comprehend the fullness of it.

He has said that all of the available rooms which will be built this year will put owners in a problem with personnel and so forth. That is quite true, Mr. President, because the work force as everyone knows is only growing so fast locally that we do have to bring in people from abroad. But I think it is much better for us to be able to offer employment to people from other countries rather than to stagnate and have no employment for our own local people. Caymanians traditionally have gone abroad to seek a livelihood, and we should feel good if we can now offer some employment here to people from abroad.

My learned friend then got on one of his other stories and said that we should give serious consideration to bring in Cuban Nationals with Cayman connections back to the Island. Mr. President, you are aware, and I think this Assembly is aware that this problem has been attended to by the Cabinet whenever we could feel there was extenuating circumstances to do so. But for us to think that we could go wild and open up our own immigration quotas and bring in two or three hundred more people may be at one time from Cuba, who have lived under international communism for about twenty five years, is to really quote disaster in this country. If I had lived in a country for twenty-five years I have to adopt to that country, and Mr. President, it is true that some of these would be very happy to come back to the Cayman Islands the land of the birth of their mother or father or someone else. But it is also true, Mr. President, that these same people may present more problems to us than if we brought the people from countries that are not under communism.

I do not know whether my esteemed friend is espousing the doctrine of socialism or communism, I can only say that if this administration had followed his policies of the past that we would have been saddled in this country with the Caribbean Examination Council which our kids would now be taking in school, and that prepared them for little, they would have spent twelve years in school taking these exams and the only thing that they would have come out there knowing would have been about Castro and people of that magnitude. So it does throw a few doubts in my mind when I hear these words spoken so eloquently in support of the Cubans.

He said they could get clean police records, I wonder if he is talking about the clean police records that the people who left Mariel a year ago had when they got to the United States. Is that

HON. JAMES M. BODDEN (CONTINUING): the kind of police records we would be getting? I am sure we would not get much better. So this subject, Mr. President, is one that I think if the Member wishes to support the Cubans coming to this country, it does have an effect on some of the inhabitants of this country because they have relatives there, and I put it forward that he would best support their cause, if he would support it on an individual basis of may be four or five applications at a time and supply the information that is necessary, and try to help the people to get these people out, rather than to support a policy en masse support will not be good for this country.

I am sure his speech would not have been finished unless he had spoken on the old shipping day, Cayman Airways. It has been a political foot ball for a long time, Mr. President, and if the people would consider the good that Cayman Airways has done to this territory economically and in many other areas, I think they would then begin to realise that one of the wise moves made by this administration was in inaugurating Cayman Airways. We could not have had the economic prosperity that this country enjoys if we did not control our own destiny in the air, and the day that we let it fall into the hands of someone else and we become dependent on an outside carrier is the day that we will be back in the condition we were during the reign of the administration of 1971 and 1976.

It is true that we have lost money in Cayman Airways, we will probably lose for sometime yet, but everyone is aware that Cayman Airways was never approached in the correct manner in regard to its capitalization. It had very little paid up capital, it took off over practically in a deficit condition when it was repurchased in 1977. It experienced high interest rates, sometimes as high as 22%, we have had fuel costs escalate tremendously; we have also had labour cost to escalate, all of these things have contributed to a loss. But it is a small loss in comparison to the good the country has derived, because it has given employment and high paid employment to a lot of local people. It has opened up territories to tourism that were not available before and areas where monies are being spent from. It is time I think that we all got our heads together and try to find out what can be done to help Cayman Airways, it would be much better I think than to chip away at it politically for a couple of votes here or there.

You are not going to get enough votes out of down-grading Cayman Airways to win the next election, 1984 is sometime ahead yet. But Mr. President, I have a lot of confidence and a lot of determination and I fully believe that the people of the Cayman Islands will back the policies of the 1977 to 1984 administration for many years to come. I think my friend is barking up a wrong tree. If we have to spend the money, Mr. President, to support Cayman Airways - (I go back to the opening of my speech) - it will be money that has been earned through the efforts of this administration coupled with the assistance of the other Legislative Members and the efforts of the Financial Secretary.

Mr. President, I will not prolong my debate although sometimes I am sorry I do not get to stand on the floor here for a day or a half at a time like I used to, but I would like to go back and to say to Mr. Johnson, "it has been a pleasure working with you, Mr. Johnson, and if you do not get elected with our opposition group in the next election I will move that the Constitution be used and that you become the first Caymanian Speaker of the House. Thank you, Mr. President.

HON. G. HAIG BODDEN: Mr. President, if I were a man of few words I would simply say "Amen". And if it had not been for the remarks of the Third Member from West Bay in his reply to the Throne Speech I would be tempted to say "Amen".

However, the Throne Speech has portrayed a financial picture so rosy that to my knowledge it has never been equalled before. We see a surplus of $1.32 million dollars, even the richest country in the world, the United States is not boasting a surplus, they

HON. G. HAIG BODDEN (CONTINUING): are concerned about deficits. And your speech said "Government's total reserve at the end of 1981 is now confirmed at 13.1 million general reserve plus 8.83 million revenue balance or a total of 21.93 million dollars". Yet this very glowing picture seem to have upset the Member from West Bay, he apparently is thunder-struck by the enormous amount of the surplus and therefore,not understanding the significant of such an accumulation,has wondered into parts, which if they had been more carefully considered,he would not have dared to tread upon. But this special extra money which is available only tells one tiny part of the glowing financial picture.

One would have to read page two of your speech, and to read about the 21% increase in banks and trust companies licensed during 1981 which shows that the outside world has confidence in the Cayman Islands as a haven for financial institutions. And these are not in a small bank they include, I believe it is something like 28 of the world's thirty largest bank. Companies increased by 18%, companies registered, bringing the total, and most of them foreign companies, up to 14,301 companies; 366 new insurance licenses during 1981. Customs, which is the guide of actual consumption of goods in these islands, customs producing a revenue record of 17.1 million dollars collected on consumer goods brought into the island exceeding even our most elaborate estimates by 21%. Real estate transactions totalling 83 million dollars; capital expenditure last year of 13.8 million dollars, and 80% of that financed from local revenue,not from borrowed funds.

Assets of the Currency Board increasing to where now they exceed 12 million dollars, and I could go on and on and add to that the state of full employment a position where any ambitious person has the opportunity to make a success. Compare this with what we inherited in 1976, a state where Government had no surplus, it had deficits; where it had borrowed beyond its capability to repay, had not the policies of Government changed. Because at that time it was taking around 10% of the local revenue to service the debts, and this picture has changed, where until today it only takes 3% percent of the local revenue to service the debts. And I can understand how one of the architects of the 1971 administration finds it difficult to understand the transformation that has taken place in the economy of these islands, having not understood as I said at the opening of my speech, the fundamentals of our economy.

He went on to say,that while he could not deny we had the surplus he tried to make it appear that having the surplus was a bad thing. He said,at what expense have we created this surplus, have we enhanced the quality of life?

He talked about our having to bring in consultants to study the traffic problems, perhaps brought about by over development, not realising that when he mentions the fact that the Government could afford to employ consultants to study the traffic showed that the Government itself had the ability to cope with the problems that come from over development. Perhaps he feels that the increase in petty crimes,(there has been no increase in serious crimes in Cayman), the increase in petty crime and juvenile delinquency is caused by the development which gave us a $21 million surplus. But human beings have been the same all along, and as one Member mentioned, it is the social fabric of man that is deteriorating, and this is not caused by over development. Because we have crime , we have delinquency in countries where there is acute poverty, we have it in countries like Sweden where there are no slumps, so it is not really money or the fact that the Government has a surplus or the fact that the country has developed that we have a change in the attitudes of people.

He talked vaguely about destroying the attractions that brought people here in the first place. I do not know what such a statement means, and perhaps if he were called upon to explain it he too would not be able to explain what he means. But does he mean that giving a better standard of living to our people is destroying the attractions which brought people here in the first place?

HON. G. HAIG BODDEN (CONTINUING): I said before in the controversial Housing Authority Bill that you cannot improve the standard of living by making some people poorer, the only way to stop overcrowding is to build more houses. The only way to get rid of poverty is to make the poor people able to help themselves, not the communist system where they take the wealth of the rich and distribute it amongst the poor and everybody is then poor. The capitalistic system is to help poor people help themselves, to provide jobs for them to give them the opportunity to work and to be someone and to be something.

He wonders about Government being able to regulate this development which has mushroomed around us and he is all for planned development. The first planned development started in the Soviet Union and then spread to other places. Government can regulate the development we have because we have brought it about, not only brought it about, we had to actually induce labour so that it could be born into this country.

So much for dealing with the general remarks on the economy, I perhaps should spend a little time in dealing with matters that are not so general.

The same Member has shown such an inconsistency in his speech that it baffles me even to reply. He feels that it would be better to build a new jetty in West Bay rather than to upgrade the existing one in Spotts, and at the same time he said that it would be better to upgrade the roads in West Bay rather than to build the new road in Barkers, totally inconsistent thinking intermingled with politics because the road master in West Bay has been plagued with politics. He knows the story of the Water Course Road which has just been completed, and how the people who made the most noise about having that road upgraded actually prevented Government or delayed the upgrading of that road for several years. And it was pure politics, because one of the people living on that road was a part of the 1972 - 1976 Government.

He speaks about the Rush PondRoad in West Bay as a death trap, it is a fact not one person has died on that road. It is narrow, it is winding, it needs upgrading but it is not a serious threat to life as he has called. And he further states that it is one of the oldest roads in his district, why did not he upgrade it in 1972 and 1976 when he was running the Government? But the road will be fixed as we hope other roads will be fixed.

One Member said that we need more roads, and perhaps this is true. The road programme has been set out in the speech 4½ miles to be asphalted, 7 miles to be sand sealed, 7 miles to be sprayed and chipped plus the building of new roads. The Barkers road, the Bluff road on the Brac, which as the Member from the Brac pointed out is one of the roads to be financed by Caribbean Development Bank; the Tortuga Club/North Side road is on the way, three new roads are being built off the North Sound Road, one of them is now open to traffic. Improvements are planned for some of the major intersections, there is road maintenance going on every day, our parks are being prepared by Public Works, which is a part of the road programme. People make request every day for roads and we try to cope, but one of the problems here has been that the subdivisions are filled with roads which have not being built by Government, have been built by the investor simply to make the sale of the lots; the roads are of poor construction, they deteriorate rapidly and Government is called upon to fix them. And while we try to cope with this we cannot be deterred or we cannot be detracted from the main work planned for the year.

Mention has been made about regulations, and Members would like to see them. It is my understanding that the Gazette is mailed to every Member of the Assembly, and with the Gazette goes a copy of each law or each regulation or whatever is published in the Gazette. So this is not an argument, it may be that Members do not read the Gazette. I am strongly against the Gazette Law, the Gazette Law was passed in 1972 to 1976 and I think it is a waste of Government's money. I would rather see the laws published in the news-papers where people

HON. G. HALE BODDEN (CONTINUING): could see them, and I am sure it would cost much less. But the Gazette is established and it does provide a permanent record, and although it is one of the anachronisms of the past it perhaps can be useful, but the present administration cannot be blamed for the way the laws and the regulations are published.

In the reply to the Throne Speech one Member touched upon the Housing Authority, and spoke about people with television sets and cars being provided with houses by Government. This is not the case, the Housing Authority when it gets on the way will have money which will be lent to people and these people will have to repay the loan, it is not set up to provide free housing.

Mention has been made of the water and sewerage project; water studies have been done by the Government from the early sixties and money has never been available to set the system in motion. Recently a project manager has been appointed; sometime during this year legislation will be coming to the House to set up an authority to manage the water and sewerage system. It is expected that Government will eventually build the system, the water system is more advanced. We have on a two year contract an engineer from United Nations, and hopefully sometime in the not too far future we should be getting to the point where a design can be worked out and we can seek the necessary financing to start building. The sewerage is being looked at, we are now undertaking to have a proper study done and this will be handled in the same manner.

There has been much criticism of the telephones in Cayman especially in Cayman Brac and other areas where there are long waiting lists. I cannot attempt to defend Cable and Wireless, because I believe they know themselves that they have lagged behind. But it is not because of recent development, they were in trouble from day one on these Islands. When they came to Cayman in the beginning somebody did a survey, which I think was done behind a desk, and they came up with a figure of some four or five hundred telephones needed in Cayman over the next five years. And it is my understanding that before they were ready to install the first telephone they had a waiting list, and they have never been to catch up with it.

We have had discussions with the manager, letters have been written back and forth and the picture is dismal. They tell us that equipment has been ordered, some of it hopefully will be here in 1983, this was told to us sometime last year, and unless Cable and Wireless will really get to grips with their problems there will be no easy solution. They need more equipment, they need more staff; in one area they have done a good job in training local staff but the total people employed with them, the majority, and a big majority are Caymanians and some of these are well advanced in the technical field. They have the ability to provide the services, I think they need to inject some more capital; they have an undertaking under their franchise to supply these Islands with modern up-to-date equipment, and they should not be sending to Cayman Brac or North Side equipment which is obsolete or which has been found to be almost inefficient and hope that this will satisfy the needs of the people. If this trend is not corrected the telephone service could well inhibit the growth of the Lesser Islands. And these are the sentiments of the House, they will be conveyed to the franchise holders and we will endeavour to have them meet their obligation under the franchise.

The Members from Cayman Brac mentioned the port facility as being perhaps the greatest project completed in recent times or perhaps in any time, with the exception of the airport, in Cayman Brac. The work has been held up on the yard which has to be filled, but I understand that it is progressing well, the sea-wall is almost completed and we should have a ceremony to mark the official opening sometime in April or May. When I was up there just after it had opened one ship had been unloaded in four hours, that ship on its previous trip had taken more than two days to be unloaded, so there is a big improvement in the shipping service.

Government has been criticised for having purchased a patrol boat, this is amazing, because from the time I was a

HON. G. HAIG BODDEN (CONTINUING): fresh-men here every sitting a question was asked of retired Mr. Desmond Walker, when will Government be buying a patrol boat? The Member said that while we have a patrol boat he had heard a rumour about a boat having discharged ganga in these islands. I personally I do not believe there was any truth in that rumour, and certainly the Member did not make any attempt to verify the information which he so glibly passed on. But the marine boat or the patrol boat is not ubiquitous, it cannot be everywhere at every time, and even if we had a hundred boats it would still be possible for people to smuggle in contraband articles.

In the United States with their large coast guard surveillance they are unable to stop these boats. But we are in the right direction and Government should not be faulted, and Government cannot be faulted for having purchased this particular boat. It serves the purpose well, we need a large crew going boat, it has been in service, it has done rescue work, and recently we had a visit from the Jamaica Defence Force, they think the boat is a good one they would buy it right now if we would sell it. They have offered to train the crew for it. Recently Canada has made an offer to eleven countries in the Caribbean to give training to crew members operating patrol boats. We are currently investigating this offer and if we can be given a place in this training course our crew will be sent there, if not the Jamaica Defence Force has promised to train the crew. And I believe it is better to have the crew properly trained than to send them out as the Member would wish, just telling them "go out and come back, go out and come back" because he bemoans the fact that the boat has not started its operation. And the delay has been that the crew needs to be trained and properly trained not only in seamanship but in police work as well.

The Member from West Bay seems to worry about Government not saying 'Yes' to the people who put in applications for the television franchise. This decision, like marriage, cannot be entered upon lightly because it will be here for all times, once it comes you will never be able to get rid of it. Government's responsibility is not to those investors who are looking to make a profit, Government's responsibility is to the people of the Cayman Islands, and it is Government's responsibility to ensure the quality of the programme and to make sure that the franchise has in it the things that Government wants it to have, not what the investors want.

Television is the most powerful means of communication known to man. We sometimes criticise the Radio Station and often time the news-papers, but believe me, as bad as these news media can portray the things that they want to make bad, and as much as they can give the things that they want guilded they do not have the propensity to change and to put forward their ideas like television.

The Member from West Bay, on page eight of your Throne Speech mentioned to back up his theory of over development causing social problems, that prostitutory cases increased 83% and arson cases probably arising from prohibitionary cases increased 50%. This is the first time that I have ever seen anybody starting to read a sentence in the middle of it, but to show how negative in his thinking on page 8 you will see that that sentence starts with "Poor relief grants increased 72%". So that while he make headline out of the fact that prohibitionary crimes were up 50% he did not show the positive side of this Government where 72% more people have been helped in poor circumstances, have been given relief from their poor circumstances, and so this is negative attitude.

He could not see that the budget for this department has been increased by over $150,000.00 this year in an effort of this Government to cure, or not really to cure, but to help the ills and the social ills of mankind. And furthermore, he did not touch on the significant area in which Government, through the probation department, tries to help socially maladjusted people, and that is the area of alcohol

HON. C. MAIO BODDEN (CONTINUING): and drug rehabilitation. So with such negative thinking one finds it difficult to understand how he can really be a part of a Government that will really take a look at the serious social problems which have been created in these islands.

MR. PRESIDENT: If the Honourable Member has reached a natural break in his speech, and if he anticipates continuing to speak for a considerable period I wonder whether this might be a convenient moment to suspend proceedings.

HON. C. MAIO BODDEN: This is a fine time to adjourn, Sir.

MR. PRESIDENT: In that case I will suspend proceedings until 2:30 this afternoon.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:30 P.M.

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

HON. G. HAIG BODDEN: Mr. President, in the hope that we may finish this evening, I have decided to not deal with too many other matters.

Mention was made that the economy is unbalanced, in one respect in that we only saw a three percent rise in tourist arrivals by air, while the year 1981 showed a 50% increase in hotel beds. The increase in, not really hotel beds but beds that would be used by tourists, most of them being in the condominium market, I would say that it is a good thing that we have had such a big increase in the construction of new rooms, because in 1980 the situation had become critical, in that many of the major establishments could not allocate rooms by giving firm reservations, because they were already full. So the large construction boom in 1980 which produced additional beds, was a good thing in that it relieved a very acute shortage. In fact, had it not been for the construction of condominiums the Island would have had serious problems in finding places to accommodate the tourists.

There does not seem to be any large demand for more condominiums, but I do not think there is a problem with selling the rooms that are now available.

The Member who spoke on this, also tried to make out a case for putting a jetty in West Bay to accommodate the passengers from the tourist ship, rather than up-grading the facilities in George Town which he feels is now over-crowded and also that the West Bay jetty would take the place of the Spotts jetty in rough weather.

It is my experience that some parts of West Bay are also rough when George Town is rough, and it only takes a small variation in the wind to create rough seas in West Bay at the time of a Northwester, and while it is true that ships have in the past sought shelter in West Bay it is also true that a safer shelter is found in Spotts which is on the other side of the Island. Also, West Bay in itself could not compliment George Town in a Tourist landing although it could be an alternative.

The tourists want to be landed as near to the shops as possible. Most of them that come here on a cruise ship are not interested in the hotels.

He used the argument that if they were landed in West Bay they would be close to the seven mile beach. Most of the cruise ship passengers are not interested in the seven mile beach. The passengers arriving by air are naturally interested in the seven mile beach. But the people on a cruise ship come here not solely to sun themselves in the sand, but most of them are keenly interested in shopping, and sight-seeing and not really sea-bathing, so the argument was hollow to say the least.

Perhaps the time will come when Government will put a jetty in West Bay, but I can think that Bodden Town as the first capital should have a jetty long before West Bay.

A matter which has been given much attention is Cayman Airways. The Member from West Bay said at one time that he does not consider it essential if we have to pay the price we pay and so on. He must have realized he had made a grave error in saying that it is not essential and went on for a long period to qualify the non essentiality of the airline. However, my feeling is that the airline is the most important ingredient in an Island economy. These Islands did not really begin to move until the construction of the airport and the

HON. C. CRAIG BODDEN(CONTINUING): introduction of an airline, and if you believe the airline is not an essential par of the Islands' economy you ask the people of Cayman Brac and Little Cayman that have been suffering not for the lack of an airline, but because of perhaps an inferior carrier, so that for an island economy to prosper there must not only be an airline, there must not only be an air-service, but it must be an air-service that is of high standards and that is fairly reliable.

So for a Member of the House to claim that because the airline is expensive it is not worth supporting it as an essential service, this to me is nonsense.

We have had the praise of Mosquito Research sung in here by every Member and I agree with the comments, but Mosquito Research is costing the Government quite a substantial sum of money each year. It produces no revenue yet it is essential. And I feel the airline is more essential, because if we do not have a service to bring the bankers, the investors, the tourists, we do not need to worry about the mosquitos biting them after they get here. We were led to believe, that is, if we had accepted some of the statements made, that Cayman Airways has problems that are not universal and that its problems are not caused by the factors which have caused Pan Am to lose money, B.W.I.A.C. to lose money and all the other major airlines.

When Cayman Airways was re-organized, and when it accepted the responsibility for owning its own aircraft, rather than depending on the lease that could be terminated at a moment's notice, Cayman Airways started out and if world conditions had remained the same, probably would not have run into any financial difficulties.

When the first jet was purchased, the money for it was obtained at a price of about under 10%. Anyway, I do not remember the exact figure. At some stages since then, Cayman Airways has been paying interest rates in excess of 20%.

We saw the price of fuel escalate to where they were paying three times as much as they had done in 1971. And these are factors that are beyond the control of the airline. But what the Member does not know, or appears to have forgotten, is that Cayman Airways had to be re-organized in the fashion it was or, we would have gone out of the airline business.

When the Bermuda 2 Agreement was worked out, the Cayman Islands suffered while some of the other dependent territories gained to our disadvantage. In the Bermuda 2 Agreement it has been laid down that if a British Caribbean carrier is to fly into Miami or into the U.S. that airline must be substantially owned and effectively controlled either by the British Government or by the nationals of the territory. And so we had come to a stage where we would no longer be allowed to fly into Miami if Lucas owned the 49% of Cayman Airways.

The interpretation of substantially owned as far as the C.A.B. is concerned is that the Government must own or nationals of Cayman must own more than 90% of the airline. And so it was a decision that Government had to take, whether they would go out buy the jets and have their own operation in order to maintain the frontier, or the right to use the route into Miami. So it was not just the matter of buying an aircraft because Cayman wanted to show off with its airline. It was a matter of life and death. And had not the Government at that time had the courage to face the political opposition which was stirred up mainly by people who had been rejected in these Islands as not suitable to carry out the wishes of the people of these Islands, the Government had to go out and face strenuous objection and nevertheless it was bold enough to do so, and I believe today that we have seen the results of having done this in that we have a vibrant economy which is kept alive by the regular air services not only to Miami, but

HON. G. HAIG BODDEN (CONTINUING): to Kingston and to Houston. Because most of the money which has flowed into these Islands in the last four years has not come from Miami or Kingston. It has come from the Houston millionaires and from the people from the Midwest.

The Cayman/Houston link is still today the only direct link from Houston into the Caribbean. In fact, the only direct link from that area and it has proved of invaluable service.

We heard in the news the other day of Republic Airlines having some financial difficulties. What would happen to the Cayman Islands if tomorrow Republic went into receivership? We would be without an airline if we did not have Cayman Airways.

We would eventually get an application from a new U.S. carrier, Eastern or one of the others would probably come in, but it would take months of negotiation, it would take months of re-organising.

The Member said that other airlines suffer from low load factors, and he seems to think this is not a problem with Cayman Airways. But it is not low load factors that plague the other airlines, because the other airlines are geared to cope with this. When they have low load factors they simply cut out the route.

Only two years ago we saw Delta pulling out of Jamaica, we have seen Pan Am come out of the Caribbean, we have seen Eastern Airlines come out of some of the most of the non-profitable routes, and so if they do have low load factors it is only a temporary situation which they can regulate by reducing the number of flights on the route.

Cayman Airways is plagued by the same load factors in that not all flights are booked, some flights are booked and people do not show up. It is competition. Whether you call it load factor or non-load or low load factor, the simple truth is that Cayman Airways has competition on its routes. We have competition into Miami, we have competition into Kingston but our staff and our management seems to have been able to cope with the competition by regulating the traffic on the route. So one cannot say that Cayman Airways is better off with the load factors than any other airline.

Finally, Mr. President, I would like to say that I have enjoyed your presence in the Chamber for this first sitting of the House and I look forward to many sittings with you in the chair, perhaps even beyond 1984.

To the departing Financial Secretary I would like to say that we have had pleasant relations with him. He is the lone survivor of the 1972 Parliament into which I came as a tender foot. He is also the lone survivor of the 1976 Executive Council into which I went as a tender foot. The then Governor, Mr. Russell is gone, the then Chief Secretary is gone, Mr. Desmond Kattler, the then Attorney General Mr. Waddington is gone, and of course we never saw any of the elected members as four new elected members went into the Executive Council in 1976. So Mr. Johnson is really the sole survivor of that Council.

We also have our long term members the Father and the Mother of the House, Miss Annie and Mr. Craddock, and they too have survived, not only survived but they did so because they were a part of our team, and will still support us when we are right. So, Mr. President, I would like to say to the Financial Secretary that he in putting off his armour has more cause to rejoice than those of us who are merely putting it on. Certainly it has been a pleasure to work with him, his knowledge and his willingness to share this knowledge even when we were members of the opposition we knew that if it

HON. G. GALE RODRIGUEZ (CONTINUING): was a financial matter his advice would be impartial and I must say that many times, particularly in the years between 1972 to 1976, the only kind word that came from the Government bench for the backbenchers on the other side came from the Financial Secretary, and although we did not and perhaps now do not always see eye to eye, it has been a situation which never became at any moment intolerable. If I could continue for a longer time, I could explain ways in which we were ignored by other Members, but never ignored by the Financial Secretary. And so I can say with truthfulness that the association with him is an association which I shall always treasure.

HON. JOHN B. MCLEAN: I join others in welcoming you as President of this Assembly, and also as Governor of the Cayman Islands. I do hope and trust that your term of office will be a very happy and enjoyable one for both yourself and your good wife.

Mr. President, turning to the Throne Speech, I must agree with the last speaker after reading through eighteen pages of what I consider to be a very impressive and comprehensive speech. If it was not for clarification I would have to agree that the most I would say would be Amen. However, I will do my endeavours to clarify a few things that were brought out in the debate.

Before moving into matters concerning my portfolio, I would like to join especially with the lady Member when she remarked that we should be thankful to God that we have this opportunity to stand in this House and to boast of a surplus of $21 million. This I must agree came about by hard work of Members in this Honourable House, but we can never lose sight that it was by the guidance of God.

As has been laid out in your speech Sir, my portfolio has before it for 1981, some very major projects, projects which I do feel income must should have been dealt with before now.

The designation of marine parks around the three Islands, Mr. President, is something that we can see the need for more and more each day. This has been looked into by a committee which has been set up under my portfolio, and I would like to report that work is on its way as far as having them established.

The development of the agricultural farm at Lower Valley is also something that in my way of thinking has been left out for a long time, and it will be my endeavour to push this as far as possible this year and with God's blessing I hope that in a short time I will be able to report to this House on its success.

I took note, Mr. President, of some criticisms on a department in my portfolio, Lands and Survey, but I also noted Sir, that with all these criticisms there was not one solution offered. And to me this is like a father saying to his son "Do not do that, it is wrong", and not saying to him what is right.

I give the Honourable Members my assurance that I am aware that there has been a problem in this department, I have been trying in every respect to have it solved, and I am still trying, and I am quite certain that with a bit of patience they will see results shortly.

One Member mentioned that perhaps if there were more staff in the department, more work could be done. This is not the case, Mr. President, the staff complement I am sure is large enough to cope with what is down there. But at the same time we have to think of the vast amount of development that has taken place in 1981. It is a fact that some title surveys were done, also the topographic maps were up-dated, and this in itself does take much time, and to go along with that we had a few staff members who for one

HON. JOHN B. McLEAN (CONTINUING): reason or the other had to be absent. And between the lot it has in some instances put us in an embarrassing position. However, as I have pointed out, the matter is being looked into, and I am hopeful that in a short time this will be taken care of properly.

Also in that department, the question of Stamp Duty has arisen and although it is collected under that department I would like to point out that it is a matter for the Financial Secretary, and I am quite certain in his debate, he will deal with the matter.

The Agricultural department, Mr. President, I would like to thank the Members who offered good wishes for this department, and especially for the establishment of the demonstration farm. This I must say I have seen some improvement in, and it is quite encouraging when I stand in the Chamber today that I have not heard too much criticism on this department. This in itself is a great change from last time because I would say at the last meeting agriculture and the demonstration farm came in for some very heavy criticism.

To bring members up to date on what has been done thus far on the demonstration farm, the properties have been cleared, the plants have already been bought in Miami and brought in, and presently the irrigation scheme is being put in. So I am hoping within a month or two, things will change in that area and when a visit is paid by any elected Member they will be able to see a complete difference from what was there last time. The farm house on the site has been brought up to standard where one of the workers will be living on the compound at all times. This will help us to control things there better, and to keep away intruders.

Already this year we were able to reap from the demonstration farm a large amount of vegetables, peppers and tomatoes, and there was a ready market for it.

Also the small farm which was established on Smith Road, I may have to take steps to return this area to the Civil Aviation department, as it is my understanding the property is needed for the airport.

I was quite impressed, Mr. President at this agricultural show. The quality of produce that was displayed, and also the interest of the people. It really gives one every encouragement to press farming on for as possible. The department in itself I must say has been really working, and as Members know there have been many complaints as for as production from this department in the past, so I am hoping that the good works that have been started will be continued.

My colleague mentioned a while ago, as he drew a comparison of Mesquite Research and Cayman Airways. Mr. President I must disagree with him there. If I had to choose between the two I would have to support C.A.L.L. I would not like to have to put up again with the Mesquites that were in this country to quite some ly.

However, the department continue its good works. Quite recently, it was possible to move into Birth, Nyman and again this is a step in the right direction. We are hoping that when possible we may be able to set up a sub-station there, and once on the spot I am quite certain the department will be able to deal with the problem even better.

There was a few set backs in the past year however, this was no fault of the department. As for as the antimeters which are used on the airplane, apparently it was not the correct one, this has now been corrected and things are going fine.

HON. JOHN H. McLEAN (CONTINUING): The construction of dykes in the eastern parts of the Island is still in progress and I am hopeful that this will be continued as fast as possible. The work on dykes was also held back, Mr. President, and again I feel it was for a good cause. The equipment was used by one of the social clubs on the Island, the Lions Club, this in itself has contributed greatly to these Islands, and it was only right for Government to give them and if necessary in the future, any help that is possible to that club.

The Planning Department, Mr. President again has had its share of problems, and again people continue to complain without really and truly speaking what I would consider their consciences. That department over the last year has experienced great difficulty staff-wise and now that it is in proper hands I am hopeful that we will be able to meet the demand and to satisfy the public to the best of our ability.

The formulation of an Oil Contingency Plan again is something which I do consider necessary, it is an urgent matter. Not too long ago there was an oil slick on the eastern end of the Island and this I would say has proven even more how urgent it is to have this plan formulated.

The introduction of a Building Code, is also something which will assist the Planning Department as soon as there is something which they can be guided by. Quite recently there was a consultant down from South Florida and with his recommendations and the input of the Planning Board, I am quite certain that we will have something that we can really and truly work by in the future.

Mr. President, I too would like to pay tribute to the Honourable Financial Secretary. I have been able to work with him for the last five years and I can only say that I am really and truly satisfied with the help he has given to me. I have never been to him with a problem that he did not have some solution to it. I am aware that Governors and Presidents are replaced but I will say that in Mr. Johnson's case he has shouldered the responsibility of this Government for many years and I feel he has done a job that not too many people would have been capable of doing. I do hope and trust that he will enjoy with his family, a very happy retirement, and that with God's blessing he will be able to sit (even if it is just to listen to us) in this Chamber in the future.

Thank you.

HON. D. H. FOSTER: Mr. President, not too long ago I had the privilege of welcoming you here as our Governor, and today it gives me great pleasure to welcome you in these Chambers as the President of our Legislative Assembly.

Up to this time, Sir, the Legislators have not seen fit to use what is in the constitution that enables them to have an independent Speaker, so until they do take up that privilege, Sir, you will have to bear with us as President. I think why they are hesitant to change is because they have always found that the Governor has made a very good, unbiased referee.

On the other hand, Mr. President, I have never seen a former President have to use the gavel there. This speaks well, and I would like to say that the Members of this House are all respectable, good Members and I think they conduct their business in a very good manner, and this should not give you too much trouble or make life too hard for you.

Mr. President, I am not going to say much about the Throne Speech, because it reflects the true position that the country is in and I, having to deal with most of the things day-to-day, know very well about it. There is one point only that bothers me, and I think is very important and should bother everybody; and this is the

HON. D. H. FUETER (CONTINUING): increasing amount of young men that are being convicted in our courts and sent to prison. We cannot leave this matter too long before we look for and find another solution for it. And today I would like to throw out something for Members to think about and may be discuss at a later date.

I think many years ago, there was probation somewhere, whether it was when we were Dependency or therefore under Jamaican law that the whip could be used, and I think that we need to be thinking about it again, because the youths that we have here today cannot listen, and cannot hear, and if they cannot to either one of these, we must make them feel. But it is a growing cancer.

No longer than about two weeks ago, seven young youths ranging from 12 to 17, broke into a wholesale store here. It is a problem that I think we must think deeply about and come up with a solution in the not too distant future.

Mr. President, I would like to thank Members for their kind remarks about the Police, Radio Cayman, and say to those who did not feel that the Immigration, Protection Board was as popular as it should, that hopefully the Immigration Department will be improved as we get it on the computer, but as the visitors increase in the country, the work in that department increases, and not necessarily the staff increases. However, I am not making excuses regarding staff, because whenever we have asked for them we have got them. But hopefully we will bring the department under proper working conditions and it will function properly in a not too distant future.

The Protection Board on the other hand, has some very major decisions to make at times, and some decisions are not very popular and unfortunately we cannot publicize the reasons why these decisions are made, and you just have to take it that they are made in the best interest of the country.

Mr. President, this is the last time Mr. Johnson will sit in this Chamber as Financial Secretary, and I would first say that we are going to miss him, and secondly, I would like sincerely to thank him for his many, many, long, hard years of devoted service to his country. He has personally been an inspiration to me; he has guided me on many occasions and I think you could say he is an example to any of the other younger Caymanians coming up. I cannot say any more about Mr. Johnson at this time, as I have three or four other functions which I think I have to say something on, so will leave the rest till then, accepting, I would like to say to him that we all wish him a happy retirement, and the best of everything.

Thank you, Sir.

HON. J. B. WILKINSON: Mr. President, it would be impertinent of me, Sir, to seek to welcome you to President of this honourable House, as my connection with it is even shorter than yours. However, Sir, I would like to assure you that new-comer that I am I will do all in my power whilst I am here to provide whatever assistance or support you may need.

In this, Sir, my first speech in this Honourable House, I am filled with mixed feelings of pride and satisfaction. Pride, Sir, because it is a very great honour and privilege for me to be appointed as an Official Member, and satisfaction because I feel that nothing that has been said during the debate on the Throne Speech regarding Legal Administration requires me to attempt to provide any explanation or justification.

I would however, Sir, like to assure you and all the Honourable Members that as long as I have the responsibility for Legal Administration, I will do all that I can to assist with any inquiries or problems that you or they may have in this field.

HON. J. B. WILKINSON (CONTINUING): May I take this opportunity, Sir, of adding here my somewhat belated tribute to all those that have already been elsewhere to the former second Official Member, Mr. D.H. Bamlek.

In closing Sir, may I with much pleasure join in with all the other Honourable Members in paying tribute to the out-going Third Official Member, Mr. Russel Johnson.

Although I have only had a few days' association with him in this Honourable House, I have had many dealings with him in the Government Administration Building, and can say that he sets an example of dedication to duty that many would do well to attempt to follow. His presence, advice, and wisdom will be greatly missed.

I would like to wish him Sir, a long and happy retirement.

Thank you, Sir.

HON. V. G. JOHNSON: Mr. President, first I would also like to join the sentiment expressed by all the other Members of this Chamber in welcoming you as the new President of this Legislative Assembly, and to wish for you a very pleasant tour of duty in these Islands. We hope that as Governor your tour of duty here will be as rewarding as we have seen it in the past administration.

Much has been said about the past administration and I have no doubt, Mr. President, that it is perhaps one of the most out-standing administrations that we have witnessed in these Islands in modern times. But I would say that at this stage of our development many may provide something new, something exciting, something challenging, something demanding. And so you are bound, Sir, as the new Governor of these Islands, as President of this Legislative Assembly to take on the challenge of this new era. Take it Sir, so that at the end of your administration there will also be a lot of history writing.

Mr. President, the success of your administration cannot be achieved all by yourself. It will require the whole-hearted support and assistance of all the Honourable Members of this House, the Civil Service and the public of these Islands.

We welcome not only you, Mr. President, but your good wife and your family.

Although this is my last appearance as an Official Member in this House, I will continue as a private citizen to support you in every way that I can after leaving Government.

Mr. President, I also agree with many of the other speakers who said that so early after the debate on the Budget Address your Throne Speech did not provide any such scope for long debate. However, Mr. President, that debate on the Budget Address took place about four months ago, and much water has passed under the bridge since then. So I am sure that we can find interesting subjects to speak on here in debating this Throne Speech. I have a few that I will comment on, and before I begin I would like to say that I will not venture into the political arena. My comments will be confined solely in my position as the Third Official Member of this House and the Financial Adviser of the Government.

Mr. President, the first subject that I would like to speak on is one that has caused much comment recently in the press by individuals, and it relates to a new arrangement, how ruling as it is turned, in the Office of the Registrar of Lands in dealing with Stamp Duty.

Mr. President, the Stamp Duty Law provides for the Financial Secretary be the ex-officio Commissioner for the purpose of Stamp Duty, and the Law goes on to say that "The Commissioner may under his hand authorise any officer of Government to

HON. V.G. JOHNSON (CONTINUING): perform all or any of his functions". Mr. President, the office of the Registrar of Lands is the focal point for processing land transactions in these Islands. The Registry is far away from my office and for the convenience of the public I appointed him from many years ago to deal on my behalf with stamp duty matters. We arranged that he would deal with consideration up to a certain level, but I would want to see especially the big transactions, and there was a reason for it.

Recently when there was a bottle-neck in that office I went there and I looked at the operation and although there were a few minor staff problems there was a need to streamline the operation in that office so that transactions and business could flow more easily. This is done in most of the areas especially of my portfolio. We watch this and from time to time we try to improve systems and methods in order that we do not create bottle-necks.

The suggestion was made by the Registrar of Lands that he had a very bright young man in there who was qualified in land surveying, he was a qualified valuator and he would be of much assistance in the office if the procedure was arranged so that he could deal with stamp duty matters. I tested him for sometime and I too found much favour in this young man, and in his ability to deal with the public and the business before him.

The Registrar went on to deal with the re-arrangement of procedure in his office, and he sent out a letter which related to those concerned with the Treasury what the procedure would be.

Well perhaps there the Registrar might have erred somewhat, to name this young man in the circular who people around here scarcely knew anything about, and the public is always very sensitive as far as stamp duty matters are concerned.

However, the young man is not confined to his office alone. I had to recently look at a few matters that he had dealt with and try to regulate some of them myself, because all stamp duty matters eventually come back to me if there is any disagreement with any assessment made by that office.

Now speaking about the assessment, Mr. President, and this is perhaps what has bothered some people, is that under the Stamp Duty Law any transfer of land on sale is taxable 7½% of the consideration, and the law goes on to define what consideration means. It says "For the purpose of this charge of duty consideration shall be deemed to be the total monetary market value of the property". Now, Mr. President, we certainly looked at the consideration of transfers when they are presented to the Land Registry and that is the reason why this provision was put in the law. It was put there in 1973, Mr. President, when we had to replace the Stamp Duty Law, and it was all done to safe-guard public revenue interest for people who deliberately attempted to defraud or avoid Government Stamp Duty.

Now, Mr. President, I could relate many stories and further more I regret that I am not able to pay tribute to lawyers and firms in these Islands who have protected the interest of Government and their clients as far as this Law is concerned. They have come straight forward and told clients what the position is if they wished to carry out the transaction they could, if not, they could leave. But there are others, Mr. President, who did not do this and they are not doing it. They advise their clients according to what they believe is the right ruling. They take their clients believe that that is the right decision and then they take Government to task. Their clients come here and they are largely foreign investors and they have to take the advice of their attorney, they have no-where else to go and it is regrettable that what the law required is not always told to their clients. We have

HON. V.G. JOHNSON (CONTINUING): had some of those clients coming to us, sometimes with their lawyers, to sit down and discuss what this is all about. What down market value mean, why is their property being devalued and we explain it to them.

We had a few deals recently including a very large one, perhaps the largest deal that we have ever transacted in Government. The client sat before this attorney and after everything was explained to him, he said "Mr. Johnson, I accept it on face", and he went straight to the Registry and settled his account with it.

Another one, which was perhaps the basis of some of what we saw in the press, pulled his business from his lawyer, and came and transacted it directly with the Land Registry.

Mr. President, no local person is faced with any hardship as far as this law is concerned. We have dealt or I have dealt in a lot of instances personally with these cases. But we must definitely examine documents when they are presented, even from local people.

Mr. President, I remember one day I was dealing with a case, stamp duty matter, I did not agree with the consideration that was expressed on the document. I knew that something was wrong but both the vendor and the purchaser insisted that it was the right consideration. It was prior to the 1973 Law coming into effect and the old law had no teeth in it to handle situations like that. But the purchaser in standing there and fumbling his document the receipt dropped out of it, and he was going to pick it up, but I said "No I will pick it up", because it was in my office. I picked it up, and that receipt was a receipt from the vendor for a sum which was near the sum that I thought was the right amount. They had tried to defraud Government. These were Caymanians Mr. President, they were not foreign investors.

What I am trying to say, Mr. President, is that we have to watch all the documents coming, even those for natural love and affection which carries only a twenty dollar stamp, and especially if it is being transferred from a brother to a sister or vice versa. People try to find a loop-hole to avoid paying stamp duty. This is not a late thing, Mr. President, it has always been so. I could cite dozens and dozens and perhaps hundreds of cases where we had to use this and eventually found that we were correct.

MR. PRESIDENT: If the Honourable Member has finished that part of his speech, perhaps it might be convenient to suspend proceedings for 15 minutes.

MR. V.G. JOHNSON: Yes, Sir, except that in ending, Mr. President, I want to assure this Legislative Assembly, and I want to assure the public of the Cayman Islands that the manner in which the Stamp Duty Law is administered, whether in my office or in the office of the Registrar of Companies, it is putting no local people or anyone else in any hardship.

HOUSE SUSPENDED

HOUSE RESUMED

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

HON. V.G. JOHNSON: Mr. President, continuing my debate, I want to mention a publication which I will do on Friday of this week.

HON. V.G. JOHNSON (CONTINUING): It is a financial and economic record of Government and the country which has been prepared. After the burning of the Administration Building in 1972, I became very worried that financial records of Government had been lost, and there was nothing preserved for posterity and it was my view that an attempt should be made to gather information from whatever source in an effort to compile such a record.

Two years ago I launched out the programme and have been collecting data wherever we could find it. So far we have been very fortunate, we have collected an abundance of records and we have now put together the publication which is at press and will be released for the presentation on Friday evening at 5:00 in your office, Sir.

I would like to extend a personal invitation to Members of this Honourable House who can attend, you will be assured of a copy, a complimentary copy.

The record, Mr. President, covers a wide range of information on the finances of Government which dates back to 1904. It contains economic assessments and publications. The publication will be in the form of a loose-leaf binder so that the information can be up-dated, and improved from year to year. Copies will also be on sale to the public if they would like to have one.

Mr. President, the 1st May this year will mark the 10th Anniversary of the issue of the Cayman Islands Currency. Much has already been said about it and I am sure that credit can be given far and wide to Caymanians who strongly supported the idea and to foreign investors here who saw it as a means to further promote the Cayman Islands as a financial centre. The currency has done well. The first year saw a circulation of 1½ million dollars and today that circulation is near $8 million. The Currency Board has done well in the investment of its funds, and in promoting the numismatic programme. As a result of these the assets of the Board today amount to over $12 million.

Mr. President, I am sure that the Board will go from strength to strength; I am satisfied that it has a fairly strong management and the staff who can administer the affairs of the department and a Board which consists of the Financial Secretary, the Post Chief Secretary and a Member of the Bank of England.

Mr. President, I would just like to say a few words in parting about the financial position of the Cayman Islands.

We are boasting today of a surplus of $2½m, I should say that this is a very pleasing position for these Islands when we realise that not many years ago we emerged from a recession which used all our reserves. We had to do so to maintain a building programme in order to satisfy the labour sector of the community. But that recession ended and we now following one of the most outstanding booms these Islands have ever seen.

Mr. President, the economy is made up of two activities, tourism and banking, and I would dare to say, Mr. President, that the future of these Islands rests on these two facets of the economy.

I would therefore ask Honourable Members never to allow the system to weaken. One of the important ingredients in maintaining the banking facilities here, the financial industry, is confidentiality.

I saw where the Americans boasted recently of making an in-road in the Swiss banking system where they will be able to extract certain banking information. The Swiss are not prepared to put that into their legislation, but they have encouraged the banking community to facilitate the Americans with the information they need.

HON. V.G. JOHNSON (CONTINUING): Mr. President, we have been avoiding those in-roads from many years ago. Once when we refused to allow American Government inspectors to come here and examine the branches of American banks operating here, they were very annoyed with us and it was intimated that we might lose the branch operation here. We counted our losses and assessed our gain and we told the Americans nothing doing. Their banks closed out their sleepy operations one by one but they did not leave, Mr. President, because they just converted from an A to a B license, so we did not lose them after all.

Today we are looking at this very carefully and avoiding any infringement of this particular facility we offer, confidentiality.

Mr. President, I have already paid much tribute in my budget address to Honourable Members here, to the Civil Service and others, and I would like to say today that I am very delighted at the very kind words of expression which came from every Member of this Honourable House.

When I came into this Legislative Assembly in 1966, I promised merely one thing, that I would be honest, I would be kind and I would be understanding to every politician that I deal with, and I have tried to maintain that policy Mr. President. I have had a very redeeming association with every Member here. We have had our times when we did not agree with everything, that is the normal tendency of a Financial Secretary, one who is responsible or else to appointed as the custodian of public finds. We cannot say yes to everything, there must be good grounds to agree. But for all that, I found that Legislature were also very understanding and they themselves defended that position, this is the reason why the Cayman Islands is truly a wealthy little country. It was not only from my own labour and insistence, that is because, Mr. President, you have Legislators who are also considerate to the country and to their people.

In bidding farewell, I would like to wish everyone continued success in politics or as Civil Servants. You have something to defend and something to protect because you have a little country that is the envy of the entire Caribbean, and it is entirely up to you to maintain that position, never compromise anything that you have. You have a strong position, try to maintain it.

As far as Parliament is concerned, parliamentary principles is something that you should always try to maintain, because the principles of parliamentary democracy is only second to the administration of justice and the country cannot live without these two principles.

Mr. President, I thank you for the time you have given me, and I wish again for you, Sir, every happiness in your tour of duty of the Cayman Islands.

HON. TRUMAN BODDEN: Mr. President, one of the main principles in elocution that I was taught while in law school was to stand up, speak up, and shut up. I am going to endeavour to do that this morning.

I wish first to welcome you here to this Chamber as President of this Chamber. I assure you of the support of this House and a submission to your rulings whenever that became necessary. It is a very lonely life at the top, and your load undoubtedly will be heavy but you will have behind you the support of Members in this house. I wish for you and your family a very happy stay in these Islands.

The Financial Secretary has been not just a good citizen but also a good economic adviser to the country. He has seen the country through good and bad, happily to say good in the last five years. He is leaving on the crest of the economic wave within

HON. TRUMAN BODDEN (CONTINUING): this country when the conditions economically are the best that they have ever been, and thus it is a very right time for him to retire.

It has been said that behind every good man there is a good woman, and behind every good Financial Secretary on the crest of the wave there is a good Government.

I wish for Mr. Johnson a happy political-free retirement.

Mr. Wilkinson, our Second Official Member, is now with us and he too has a heavy burden as Attorney General as well as Legal Draftsman and I wish him all the best in this position.

Mr. President, it has been said that a pessimist sees a disaster in every opportunity, and an optimist an opportunity in every disaster. Well, Mr. President, anyone looking at the economies of this country who is prepared as has been voiced in this Chamber, to point towards any type of disaster has got to be a confirmed pessimist.

I would like to just deal with a few things very quickly that perhaps some Members did not agree. There is a Cayman Brac Member on the Caymanian Protection Board, it is Mr. Raul Bodden, he is resident here but like the First Elected Member for Cayman Brac I am sure the Second Elected Member will not hold that against him.

The Third Elected Member for West Bay mentioned what he referred to as "Hiccups leading to serious indigestion to come". Well, Mr. President, when this Government took over in 1976 there was a very serious case of gastroenteritis which we have already gotten out of.

Planned, guided development is good, like many theories, but one has to ask the question with such good theories, why did it not exist in the past because it could not have existed when in 1976 the country was in debt, it was riddled with economic and certain civil problems; had no reserves, it had a deficit, it was getting over the hiccups if you wish to put it this way of the Development and Planning Law which promoted the earlier demonstration problems of the long hot summers of 1970 and 1971.

At least, Mr. President, in my portfolio now which was formally the portfolio of the Third Elected Member for West Bay there are now written policies. These did not exist in any depth, at least I did not find them when the portfolio was taken over by me. What I found was an ad hoc operation, based largely on what I have referred to as crisis management; a problem arose, it was solved, nothing was planned beyond that, and at this stage certain long term policies are now in progress.

The confidence internationally in this country is borne out by the large number of banks that exist. I think the reference to consultants may have referred to my having a consultant in genetics, but despite the fact that I have some slight or nine qualifications, I am quite happy at times to accept the advice of somebody who is a specialist in that area.

The important aspect here is not to have someone point out problems. Problems need solutions and unless people are prepared to come up with these solutions, then it is really destructive critism to pin-point a problem and leave it in mid-air without a solution. This Government has progressed towards solving the problems of the country as best it can and undoubtedly, anyone who is optimistic at this stage, can well see from the history and the facts at present. I would just like to leave the House in ending with a well-known demonstration:- When Columbus left Spain he did not know where he

HON. TRUMAN BODDEN (CONTINUING): ...was going and when he got to the West Indies, he did not know where he was; when he returned to Spain he was not certain where he had been. But in a meeting there for him, with the crowd who suggested that they had the answer to those three mysteries, he took an egg and said "Can anyone stand it on its end"? Everybody tried, it did not work, he tapped it slightly, it stood up and he said "Now I have done it, you know how to follow". Well, Mr. President, I think that latter part, not the first part of what I mentioned about Columbus is the position here. This Government has shown the country and the people here how to put a country on its feet, how to keep it there, now that we have done it everybody seems to know how to follow it.

Thank you.

MR. PRESIDENT: Does the mover of the motion wish to exercise his right to reply?

MR. CRADDOCK BEANKS: Mr. President, it has not been customary and since we are about to move on to another meeting I would look forward to the next sitting. I look forward to the next twelve months when we are in another such debate.

MR. PRESIDENT: My understanding of Standing Orders and of the wish of the House is that it is possible for them to be or for me to decide in accordance with Standing Order 10 (2) that the proceedings can be concluded by a short deferment of the moment of interruption at 4:30p.m., I am entitled to defer and I think I will do that.

Firstly, in order to enable a vote on the motion that has been under debate, that 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".

Will those in favour please say Aye.

HONOURABLE MEMBERS: Aye.

MR. PRESIDENT: Those against No. The Ayes have it.

SUSPENSION OF STANDING ORDER 10. (2)

HON. D.H. FOSTER: Mr. President, I would like to move the suspension of Standing Order 10 (2) in order to give us chance to finish up business for this session, Sir.

MR. PRESIDENT: The motion before the House is that Standing Order 10 (2) be suspended in order to give the House the opportunity to finish its business today.

Anybody wish to speak on the motion? Those in favour please say Aye.

HONOURABLE MEMBERS: Aye.

MR. PRESIDENT: Those against No. The Ayes have it. Motion carried.

STANDING ORDER 10 (2) SUSPENDED

THE RADIO (AMENDMENT) BILL, 1982

THIRD READING

SUSPENSION OF STANDING ORDER 47

CLERK: The Radio (Amendment) Bill, 1985

HON. G. HAIG BODDEN: Mr. President, I move the suspension of Standing Order 47 as authorised by Standing Order 92 to allow the Third Reading of a Bill entitled "A Law to amend the Radio Law, Law 7/1975".

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

MR. PRESIDENT: I will now put the question that a Bill entitled "A Bill for a Law to amend the Radio Law" be read a third time and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

ADJOURNMENT

MOVED BY HONOURABLE D. H. FOSTER.

QUESTION PUT: AGREED.

THE HOUSE ADJOURNED SINE DIE
AT 4:30 P.M.

SECOND MEETING OF THE (1962) SESSION
OF THE LEGISLATIVE ASSEMBLY

HELD ON MONDAY, 12TH JULY, 1962

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR C PETER LLOYD, CMG - PRESIDENT

GOVERNMENT MEMBERS

HON D R FOSTER, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON	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 J CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN 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
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

* Absent in the morning (Apologies received)

ORDERS OF THE DAY
FIRST DAY
MONDAY, 12th JUNE, 1982
10 a.m.

1. PRAYERS: REV. RALPH PICKERING

2. ADMINISTRATION OF OATHS

(i) HON.MICHAEL JOHN BRADLEY, LLB. ATTORNEY-GENERAL AND SECOND OFFICIAL MEMBER

(ii) HON.THOMAS CARROLL JEFFERSON,B.A.,EC.A.Sc.Acct.,M.Sc.Stat.FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER

3. REPORTS OF COMMITTEES: -
FINANCE COMMITTEE (Meetings held on 17th and 23rd March, 20th April and 26th May,1982)
TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, THOMAS C. JEFFERSON, FINANCIAL SECRETARY (CHAIRMAN)

4. QUESTIONS: -

MR.CRADDOCK EBANKS, JP, MLA OF NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.16: Will the Member state the procedure for dealing with members of the Police Force who are involved in road accidents and whether compensations are collected to cover the cost of the damaged vehicle, other than the insurance which Government carries on the vehicle?

MR.W.NORMAN BODDEN, MBE.,MLA OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.17: Will the Member state what steps, if any, have been taken in the matter of repatriation of Caymanian prisoners in Jamaica, etc., in accordance with section 23 of the Imprisonment Law?

MR.CRADDOCK EBANKS,JP, MLA OF NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO.18: What is the average cost per day to maintain and feed prisoners and what does their daily menu consist of?

NO.19: Will the Member state whether prisoners incarcerated in the Northward Prison are used to work and assist in clearing public roads and other Government premises?

MISS ANNIE HULDAH BODDEN, OBE., MLA, OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.20: Will the Member state when the Accounts of Cayman Airways, due to have been finalised on 15th April, 1982, can be expected to be laid on the Table of this Honourable House?

NO.21: Will the Member make a statement concerning any feasibility study on the viability of Cayman Airways' operation from Cayman Brac to Miami?

NO.22: Will the Member make a statement as to the entire amounts advanced by Cayman Islands Government to Cayman Airways, Limited and or Cayman Air Holdings, Ltd. from the severance of relations with Lacsa up to the 30th June,1982?

CAPT. CHARLES L. KIRKCONNELL, MLA OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO:23: When the Finance Committee approved the sum of C1$14 million for Cayman Airways, Limited, one of the stipulations was that immediate steps be taken to employ qualified airline advisers to examine and advise on the re-organisation of the Airline's operation. Will the Member state what steps, if any, have been taken in comply with this stipulation?

CAPT. KABRY S. KIRKCONNELL, MLA, OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.23: Will the Member advise if steps are being made to establish a schedule of service to Little Cayman by Trilander which will serve the need of residents and visitors?

CAPT. CHARLES L. KIRKCONNELL, MLA, OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.24: An undertaking was given that the 10 year Tourism Development Plan for the Cayman Islands would be laid on the Table of the Legislative Assembly. Will the Member make a statement?

NO.25: Will Government make a comprehensive statement to this Honourable House (apart from the goodwill and contacts forged) of what was actually achieved as a result of the two visits by Government Delegations to Washington, D.C., within the last year and the cost to the Cayman Islands Government?

MR. W. NORMAN BODDEN, MBE. MLA, OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.26: Section 35 of the Liquor Licensing Law states that - "It is an offence for any person to consume any intoxicating liquor while in or on any kind of vehicular conveyance which is moving along or standing adjacent to any highway or its verges.".
Would the Member state the number of persons charged for violation of this section for 1981 and 1982?

MR. BENSON O. EBANKS, MLA, OF WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO.27: On or about the 10th February, 1982 Government purchased a parcel of land in East End, Grand Cayman, to wit, Block 75A, Parcel No.47, at a price of CI$8,000 per acre.
Will the Member state how this valuation was arrived at and whether the property in question possesses any extraordinary features, e.g. elevation, type of soil, accessibility as compared to other lands in the same general area?

5. GOVERNMENT BUSINESS: BILLS

(i) The Traffic (Amendment) Law, 1982: 1st & 2nd Readings - Committee thereon

(ii) The Caymanian Protection (Amendment) Law, 1982, 1st and 2nd Readings - Committee Thereon

(iii) The Liquor Licensing (Amendment) Law, 1982 - 1st & 2nd Readings - Committee thereon

(iv) The Fire Brigade (Amendment) Law, 1982 - 1st & 2nd Readings - Committee thereon.

6. OTHER BUSINESS: -

PRIVATE MEMBER'S MOTION NO. 1: Annual Reports of the Cayman Islands.

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MONDAY 12TH JULY, 1982

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, Diana Princess of Wales and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

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

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 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.

ADMINISTRATION OF OATHS

BY THE CLERK OF THE LEGISLATIVE ASSEMBLY TO:

(1) Hon. Michael John Bradley, LLB, Attorney General and Second Official Member.

(2) Hon. Thomas Carroll Jefferson, BA, EC.A.Sc.Acct, M.Sc, Stat, Financial Secretary and Third Official Member.

REPORTS OF FINANCE COMMITTEE MEETINGS HELD ON 17TH & 23RD MARCH, 20TH APRIL AND 26TH MAY, 1982 - LAID ON THE TABLE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table the Reports of Finance Committee dated 17th & 23rd March, 1982, 20th April, 1982 and 26th May, 1982.

HON. TRUMAN M. BODDEN: Mr. President, most of the questions on the Order Paper today are to be answered by the Honourable Third Elected Member of Executive Council responsible for Tourism, Aviation and Trade. I received a phone call from him, Sir, and he asked me to explain to the House that he is unable to be here this morning, but he should be in in time for the session this afternoon.

What I would ask the House, whether under Standing Order 62 that a majority would consent to having question time taken for 1 hour, beginning when this House goes back in session at 3:30 this afternoon rather than to perhaps take the other questions now and lay over the questions relating to the Honourable James Bodden until this afternoon. The alternative I guess could be since the time is limited to 1 hour under Standing Order 23 sub-order (7), whether they wish to take a part now and perhaps his part this afternoon.

MR. PRESIDENT: Before I put that motion to the Assembly, I understand that the Financial Secretary wishes to speak briefly on the Finance Committee Reports which have just been laid, and I have ordered that they be laid. I will invite him to speak and then return to the Member's motion.

HON. TRUMAN M. BODDEN: I apologise on that, Sir.

MR. PRESIDENT: I think I probably mislead you.

HON. THOMAS C. JEFFERSON: Thank you, Mr. President.
The Reports dated 17th & 23rd March, 1982 contains total supplementary approval of $14,684,825.00, and the breakdown is as follows:-

(1) $600,000.00 for the New Airport Terminal at Grand Cayman and additional funds for the Control Tower;

(2) $50,000.00 provided as an Oil Contingency Plan to deal with oil spills in the eastern districts;

(3) $34,825.00, the cost of the MRCU spray plane engine overhaul, the work being done in the United States;

(4) $14 million provided to purchase $7 million of Cayman Airways' shares and the balance as a loan at 5% interest for 10 years.

This capital injection by Government in Cayman Airways is specifically air marked as follows:-

> $8 million to discharge the loan on the 17th May, 1982; $3.4 million to clear all previous advances made by Government as repayments of the loan and the purchase of the Hawker Siddeley 748; and the remaining $2.6 million to provide funds for the construction of a new Hangar at Owen Roberts Airport; the purchase of tools and equipment to put it in service and the construction of an office building for Cayman Airways. It also includes the refurbishing of the BAC 1-11's and to discharge some accounts payable; and lastly, funds to provide for the carrying of a T & I structural check on the BAC 1'11's.

Mr President, much discussion took place during the two days. Members requested to be kept up-to-date on all events within the company, and they voiced an urgent need to appoint a qualified expert airline adviser to re-organise the airline. It was also recommended that the assets of Cayman Airways should be isolated and probably kept in separate companies. Members also felt that the BAC 1-11's should be kept in service for another 2 years.

Mr. President, the Report dated 20th April, 1982 contains total supplementary expenditure of $60,000.00, $50,000.00 of which as a loan to Cayman Turtle Farm and $10,000.00 to the Portfolio for Agriculture, Lands and Natural Resources to provide funds for Washington Consultants working on behalf of Government to secure the lifting of the ban on Cayman Turtle Farm products.

Mr. President, the Finance Committee Report of the 26th May, 1982 approved a total supplementary expenditure of $883,000.00, $540,000.00 of which provided for the construction of the sports complex which will consist of a soccer field, running track and bleachers. The Committee also made the following recommendations to the Member :- At priority upgrading should be done on the present playing fields in the districts and provide fields in areas where at present there are none; uparade and improve the school playing fields; additional playing field area for West Bay to be investigated, and application should be made if necessary.

$500,000.00 Sterling, as a contribution to the United Kingdom Government as a token of our allegiance and willingness to assist the Mother Country during the Falkland Islands crisis. $43,000.00 for the Portfolio of Tourism, Aviation and Trade, to provide funds to

HON. THOMAS C. JEFFERSON (CONTINUING): appoint a Trade Representative in the United Kingdom. And lastly, Mr. President, $50,000.00 Loan to Cayman Turtle Farm.

On this occasion, Mr. President, many points were raised in the meeting, but the meeting ended with a call for the Chairman to investigate and to obtain financial statements from the company with a view to securing Government's interest. This ends my reporting, Mr. President. Thank you.

MR. PRESIDENT: In accordance with paragraph (4) of Standing Order 67, the House is deemed to have agreed to the motion.

I return now to the motion which was introduced earlier by the Honourable Second Elected Member of Executive Council, that is the motion that in accordance with Standing Order 88, Standing Orders be suspended for the specific purpose of enabling question time to be taken at the afternoon session today for 1 hour.

MR. BENSON O. EBANKS: Mr. President, it is generally accepted that question time is one of the more important and interesting times for members of the public. I notice that the gallery is fairly crowded this morning and undoubtedly people have arranged their schedule of work in order to be present at question time.

I would humbly submit that Standing Order 23 sub-section (3) the last sentence is relevant in this case, so that the absence of the Third Elected Member of Executive Council need not interfere with the questions standing on the Order Paper to be answered by other Members of Government. I would further submit that under sub-section (8) of the same Standing Order 23, those Members who have not received an answer to their questions by 11 o'clock can protest themselves by asking that the questions be put down for a latter sitting of the meeting or to have the answer in writing as the case may be. And my view is, that we should proceed with those questions which can be answered, Sir.

HON. G. HAIG BODDEN: Mr. President, I think the Member has not read the Standing Order 23 in its entirety because Standing Order 23 (3) makes provision for exactly what the Second Member moved, and he was in this instance the only person in this Chamber qualified to make such a motion. Standing Order 23 (3) says, that any Member may, if deputed by the absent Member on his behalf either ask the question or request its postponement. And the words "ask the question" in this Standing Order has a broad connotation in that not only it means "ask the question" but also give the answer, the word "ask" there provides for the dealing with the question which embodies, not only ask the question but to answer the question as well. Because it is only logical to believe that if you only ask the question, and there is no answer to the question it would be the height of nonsense. So when the Standing Order reads that a Member may ask the question or may ask for the postponement of the question it also implies that the Member may request that the answer be also postponed providing the Member has been deputed by the absent Member to deal with the matter of the question.

And the Member has told us in his introducing the motion, that he has been deputed by phone by the absent Member to request the postponement. And therefore the House can act, and in fact the Standing Order is so clear that the House need not act, the Presiding Officer in his whole discretion can order the postponement of any question when that question has been properly put; and the question has been properly put, in that the absent Member has deputed the Second Member to ask for a postponement, and now the matter is entirely in your hands, Sir. And as Presiding Officer of this House you have an obligation under Standing Order 23 (3) to order that the postponement of question time be postponed as requested in keeping with Standing Order 23(3).

HON. C. HAIG BODDEN (CONTINUING): It is true that if you are very lenient you could say, we will deal with all other questions where the Members are present and leave the questions for the absent Member to be dealt with at the end of the questions which can be answered because of the presence of the Members. But if this were to be done and we were to follow strictly the 11 o'clock close off you would find that by the time all the other questions had been answered there would not be time to deal with the questions for the absent Member. And here again, the Standing Order is very specific, because it says that when all the questions for which an oral answer is required have been called the Presiding Officer, if time permit , and only if time permit ,shall call again any question which has not been asked by reason of the absence of the Member in whose name it stand; in which case another Member may if deputed by the absent Member on his behalf, either ask the question or request its postponement.

The Presiding Officer shall also call again any questions which have not been answered by reason of the absence of the Member to whom it is addressed. So what shall we do? Shall you order the postponement of question time which can only now take a half hour this evening or shall you deal with the questions that are here for the Members who are here and use up the time depriving the Members the right to hear the questions from the absent Member? And so it is my opinion that only one course is open for the Presiding Officer, and that is to postpone until after lunch question time which can now only take a half hour this afternoon.

MR. PRESIDENT: Perhaps on a point of clarification, I should say that I do not myself read Standing Order 23(3) as either obliging or empowering me to decide unilaterally that question time as a whole should be postponed. It seems to me to entitle me to ask questions again if they have not been answered the first time round during question time, because either the questioner was absent or the Member who would have answered them was absent, and I think the only way we could postpone question time until this afternoon or until some other time is by suspending Standing Orders as was suggested. An alternative obviously would be to take such questions as can be asked and answered now, and agree to postpone the remainder and have a shortened version of question time this afternoon. But if any other Member wishes to speak to the motion that is put ....

CAPT. C.L. KIRKCONNELL: Mr. President, you have said exactly what I was going to say,perhaps in not such eloquent language, but I see Section 23 and the postponement means, the postponement of the particular Members question and not the postponument of question time. He has deputised the Second Elected Member of Executive Council to ask that his question be postponed and not that question time be postponed.

I quite agree, Sir, with what you have said that the postponument of question time is out of the question, his questions may be postponed.

MR. PRESIDENT: I did not actually say that. No. I said that I thought the whole of question time could be postponed if the House wished it by suspending Standing Orders, but that I did not think that I myself could unilaterally order it to be postponed. I am frankly in the hands of the House and want to suit Members convenience and help them.

HON. D.E. FOSTER: Mr. President, I agree with what you said, Sir, but I would just like to add, 23(3) a Member of Government may with the leave of the House defer answering the questions. Let us go ahead with the questions that can be answered now, ask the questions and defer the answering til this afternoon, Sir.

MR. BENSON O. EBANKS: Mr. President, I move that the question now be put, Sir.

MR. PRESIDENT: Well, the question I think is, should Standing Orders be suspended to enable question time to take place this afternoon. That was the motion that was moved, and that, I take it, is what is proposed to be put.

QUESTION PUT: AYES AND NOES. THE NOES HAVE IT.

HON. G. HAIG BODDEN: Mr. President, can I have a division?

MR. PRESIDENT: Certainly.

MR. BENSON O. EBANKS: A waste of time.

MR. PRESIDENT: A division.

DIVISION

AYES	NOES
Hon. D.H. Foster	Mr. Benson O. Ebanks
Hon. Michael J. Bradley	Mr. W. Norman Bodden
Hon. Thomas C. Jefferson	Miss Annie T. Bodden
Hon. John B. McLean	Capt. C.L. Kirkconnell
Hon. Truman M. Bodden	Capt. Mabry S. Kirkconnell
Hon. G. Haig Bodden	
Mr. Gareton J. Smith	
Mr. D. Dalmain Ebanks	
Mr. Craddock Ebanks	
9	5

MR. PRESIDENT: The result of the division is Ayes 9 and Noes 5. I therefore declare the motion carried. And my understanding of its effect is, that Standing Orders are suspended for the purpose of enabling today's question time to be taken at the beginning of the afternoon meeting today. So questions will be asked and answered in the usual way but at that time. I think that was the mover's intention, and that does seem to me to be fair. I can only apologise if, as one Honourable Member suggested, it does result in some inconvenience or disappointment for certain members of the public, but I think it will give Members of the Assembly the opportunity they properly should have to ask all the questions standing in today's order paper.

HON. G. HAIG BODDEN: Mr. President, may I ask one question, Sir. Are you going to limit question time this evening, because in the mornings it is fairly well limited to somewhat less than an hour?

MR. PRESIDENT: I would certainly expect to limit it. I think it might be a little hard to limit it to say, twenty-five, twenty-seven minutes left before eleven, because we have been debating this motion for a long time. I think something like 50 minutes would probably suffice, and I think we would probably get through all the questions within that time, but it certainly should not last more than a maximum of an hour or perhaps less because slightly less than an hour is in practice of what is allowed in the mornings. And if that commends itself to the House, that is what I would plan to do.

THE TRAFFIC (AMENDMENT) LAW, 1982

FIRST READING

CLERK: The Traffic (Amendment) Law, 1982.

MR. PRESIDENT: A Bill entitled "The Traffic (Amendment) Law, 1982" is deemed to have been read the first time and is set down for second reading.

THE TRAFFIC (AMENDMENT) LAW, 1982

SECOND READING

CLERK: The Traffic (Amendment) Law, 1982.

HON. G. HAIG BODDEN: Mr. President, I move the second reading of a Bill entitled "The Traffic (Amendment) Law, 1982".

MR. BENSON O. EBANKS: Mr. President, on a point of order, Sir, Members have not had Government Bills for the required seven days, and it is my submission that before we proceed to the second reading on any of these Bills suspension of Standing Orders must be moved. And having not received the Gazette referred to on the Bill, I would like assurance that sub-section (4) of Section 46 has in fact been complied with.

HON. G. HAIG BODDEN: Mr. President, I seemed to have received my copy early enough, and perhaps the Clerk could tell us that these Bills was circulated in time. I do not know when they went to the other Members.

MR. PRESIDENT: I am told by the Clerk that the Bills were distributed on Tuesday of last week because last week Monday was a Public Holiday. In that case I think it may be desirable to move the suspension of Standing Orders in order to enable the Bill to be read for a second time, and possibly the Honourable Member sponsoring the Bill would care to move a motion to that effect.

SUSPENSION OF STANDING ORDER 46(1)

HON. G. HAIG BODDEN: Mr. President, I move that Standing Order 46(1) be suspended for the second reading of the amendment to the Traffic Law (Law 16 of 1973).

MR. PRESIDENT: The motion is that Standing Order 41(1) be suspended in order to enable the Bill entitled "The Traffic (Amendment) Law, 1982" to be read for a second time. Does any Honourable Member wish to speak?

QUESTION PUT: AGREED. STANDING ORDER 46(1) SUSPENDED.

MR. PRESIDENT: The Honourable Member may continue speaking.

HON. G. HAIG BODDEN: The amendment to the Traffic Law, 1973 seeks to prohibit the importation of double-decker buses. The reason for this is that the double-decker bus is considered unsuitable for our narrow roads. It is true that we have some very large vehicles in the Islands at the present time, some of them are perhaps even bigger than a double-decker bus. However, most of these large vehicles just move from place of loading to place of unloading without too many stops on the road, while a passenger bus would be picking up passengers on every strict corner. And so a large vehicle of this type would create a hazard and help to clutter the roads more that they are cluttered now. At the present time there are no double-decker buses in the Islands.

The amendment contained in Clauses 3 and 5 are intended to ban the importation of parts for certain types of vehicles which are prohibited under the Traffic Law, 1973. In 1973 when the Traffic Law was passed it banned the importation of motorcycles of more than 90 cc, it also banned the importation of mini-mokes, dune buggies and similar types of vehicles.

The feeling of the committee which dealt with the Traffic Law in 1973, was that many fatal accidents had been occurring in vehicles of this nature. I remember the discussions very clearly as I was a member of that committee, we had present at the

HON. G. HAIG SODDEN (CONTINUING): committee Mr. Somerville, I believe the name was, of the Traffic Department, and he concurred with the committee's view. The statistics are not very clear in my mind at this time, but I believe he told us that in the previous year there had been eleven fatalities on the Island, and some seven of these people had died in the mini-moke and other similar types of vehicle. At this time mini-mokes were very plentiful on the road and there were many accidents involving them, and so in 1973 the Traffic Law which was rewritten in its entirety, and which replaced an earlier Law, banned the importation of these vehicles. Nevertheless, the Law did not ban the spare parts, and so some of these vehicles are still on the road having been maintained by parts which have been brought in quite legally. If it were the intention of the 1973 Law to put an end to the use of these vehicles on the public road it seems that it is time to now ban the parts.

Also the 1973 Law, as I mentioned earlier, prohibited the importation of motorcycles with more than 80ccs. It was considered at that time that the large motorcycle had a capacity for speed far in excess of the speed allowed by Law and was considered by the Traffic Department to be a dangerous vehicle. The 1973 Law therefore banned the importation of large and fast motorcycles with the exception of those used by the Police Department. The 90ccs motorcycle or motorcycles with engines of 90ccs are capable of doing far in excess of 50 miles per hour. In fact I understand there is one Japanese motorcycle of 90ccs, which is capable of doing close to 100 miles per hour.

It has been reported that at least one motorcycle has been brought in by bringing in spare parts one at a time, and so one person was able to assemble a very large motorcycle by bringing in the engine at one time, the frame at another, the brake handle at another and until all the parts had been brought in to assemble one full motorcycle in excess of 90ccs. And this was done quite legally, there was no restriction on parts, and so the ingenuity of the person served to provide him with a new and usable motorcycle.

It is interesting to note that since the ban on the mini-mokes and other similar vehicles the fatalities on the road from that particular type of vehicle have diminished greatly. If it were the intention to ban the large motorcycle, and that was accepted from 1973, it would now seem an opportune time to ban the importation of parts.

The other amendments to the Bill are simply to correct the mis-spelling of the word "bicycles" which seems to have an odd spelling in 1973. Section 10 of the Law will be amended to correct the spelling of the word "bicycles" and Section 14 will be amended to correct the spelling of the word "motorcycle". I ask the House for the support of this amendment to the Traffic Law.

MR. PRESIDENT: The question is that a Bill entitled "The Traffic (Amendment) Law, 1982" be read a second time. The motion is open for debate.

MISS ANNIE E. SODDEN: Mr. President, while I agree wholeheartedly that we should not have these double-decker buses, and also if mini-mokes are a threat, which I am sure they are and have caused a lot of fatalities, nevertheless, as I understand there are about three mini-mokes on the Island. I think it would be somewhat unfair, those poor people whoever owns them, I do not know who they are, if in the event that they needed a spare part, particularly for what is already on the Island as being used. If there are three, I feel that a special permission from you, Sir, and the Executive Council or you in Executive, that if that particular owner made a special application to get a part for the vehicle which he is now using or she as the case may be that some special concession should be given to that person. Nevertheless, I thoroughly agree that any vehicle on the road which is a threat to life should not be used, in fact they should be taken off the road if necessary. That is my feeling about the subject, Sir. Thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak?

CAPT. MARRY S. KIRKCONNELL: Mr. President, I support this motion, but I would like to call the attention of the House that parts for the mini-moke are also used by other vehicles and in banning them you would also ban the importation for some of the others made by the same company which use similar parts. Thank you, Sir.

MR. BENSON O. EBANKS: Mr. President, as regard to Section 3 of the proposed Bill I have no problem with that, that is the Section seeking to amend Section 12, but if my memory serves me correctly it says that these vehicles cannot be imported without the specific permission of the Governor. I now understand that the amended section would also apply to parts, so that those persons who presently own mini-mokes or vehicles of this nature I would hope that the Governor in Council would use their discretion and allow those persons to have parts for these vehicles, because I believe that it was the intention of the 1973 Law, I think the Member said it was, to see that these vehicles were phased out as and when they became unroadworthy, they were not banned from the road they were banned from importation, so that they would disappear eventually by natural attrition. I would hope that the Governor in Council would use discretion and allow those persons who now have these vehicles to have parts where it can be shown that they are indeed needed.

The Member did touch on one part or one point which I think is very important, and that is the possibility of persons bringing in complete vehicles in the form of parts and then reassembling them. So I think it would be a very simple matter for the Governor in Council when he receives an application to require proof that the applicant has in fact a vehicle presently registered, so that it could not be claimed that that person is bringing in parts to assemble a complete vehicle.

As regards to Section 4, Mr. President, on doubledecker omnibuses I cannot accept the argument that it is the size of these vehicles which would make them undesirable. I am sure that possibly through lack of proper, may be planning regulations over the years that a doubledecker bus, because of its height could cause problem on the road. That is, I would think that it would be possible as is the case now with certain vehicles that they become entangled with telephone lines and electricity lines leading into businesses. But if steps were taken to ensure that those lines were raised sufficiently above the surface of the road to clear the omnibus, I do not believe that the doubledecker omnibus would create any more problems on the road than do certain other large vehicles at this time.

And since this is a general debate, Mr. President, I might add that many of the large vehicles that are on the road at the moment are indeed a menace to traffic. They have no proper directional signals or brake light, and I know that it was the intention of the Law which permitted these vehicles to be on the road to be there for a limited period to take goods from the dock to its destination, and the vehicle return to the dock. Unfortunately, I have seen those vehicles with United States registration plate used to haul goods within the Cayman Islands from point to point long after they have been relieved of their original cargo.

With regard to the section dealing with mokes and mini-mokes, I am surprised that Government has not seen fit to include in this section at this time, since they are amending the section, other vehicles which fall in the same category. I see vehicles on the road at the moment which are made from fibre glass, and this is one of the big questions with the dune-buggies that were in vogue in 1973, and in my opinion they posed as great a threat to life as did the mini-mokes or the dune-buggies, and while I am not formally moving that Government amends this bill this morning, because I am not in a position to give these vehicles their proper technical or legal definition, I would request

MR. BENSON O. EBANKS (CONTINUING): that Government look into this question and possibly bring back a further amendment to the bill at, may be the next sitting, because there are vehicles on the road which fall within the class, they cannot be described as mini-mokes but they certainly are in my opinion a danger to people or a threat to people who drive in them. I believe there are some that you can take and lift the door off with one hand. As I said, they are constructed of very, very fragile material, and I wondered how that escaped the Traffic Department or whoever is responsible for asking for these amendments.

So, Mr. President, with these few comments I will support the bill, but I am wondering if in the case of the double-decker omnibus we are not attacking this from the wrong angle. And may be if it was ensured that the roads were cleared at regular height, I do not think that the size of the vehicle, per se, would be a detriment to traffic. I thank you.

MR. CRADDOCK EBANKS: Mr. President, I am getting so confused with amendments to the Traffic Law that I do not know where to start in on it. I think the time has long been overdue when there should have been a comprehensive law or bill brought to the House dealing with traffic. If these type of amendments continues then each Member of this House would have to seek ways and means of having a legal qualified adviser to keep them in working with these amendments.

In late November we had a similar minor amendment, if you would call it so, to the Traffic Law requesting certain things like the towing away of vehicles, broken down vehicles, vehicles left on the road, burnt out vehicles, and as far as I know, Sir, I still see many of those vehicles on the road lying there for weeks, for days, for months and nothing being done about them. I said then and I am repeat again, Sir, that it was for a specific reason attempting to tow away cars parked on yellow lines. The Traffic Department just does not seem to know what is really needed or what needs to be done to have a proper smooth operating traffic law.

Mr. President, while I say in principle agree, I do not believe our Islands require or is suitable for double-decker buses, but it is so much more that needs to be looked after at this time pertaining to traffic on the road. Like some have already been pointed out - I have not been able to find anywhere in the Traffic Law where a fork-lift is supposed to be towing cargo up and down the street at high speed. I thought that a fork-lift was supposed to be licensed to operate on premises where it is required, in factories, in plants, on dock, in ship yards in any place, but not to be travelling the road at high speed with loads of cargo. And all of that exists right here in this George Town and the Traffic Department in their wisdom and good sight and knowledge do not see these things; there must be some of the things for the notorious work that is being done.

I see a lot of heavy equipment such as trucks, nowadays most heavy trucks operate on diesel, and if one has to follow a lot of these trucks a half of a mile in a car and your vehicle cannot close you will stiffle to death with fumes, simply because the truck is no bad in its mechanical operation - the engine need checking, and the Traffic Department cannot see all of these things.

As has been pointed out, Mr. President, if you have a certain type of vehicle here that take mini-moke parts or the mini-moke parts fit other vehicles, then how would Government be justified to stop the importation of parts for a particular car that operates here. If it is a small car it is a small car, and if those parts can fit a mini-moke, well, then - it has been requested a number of years ago to stop the importation of these mini-mokes, dune-buggies, but it was clearly stated that those that were then in the island would be phased out as they wear out. So I do not see where there is much of a problem to look into or talk about stopping the importation of parts in terms of the owners of these motor vehicles.

MR. CHADDOCK EBANKS: So it does not seem, Mr. President, that hardly any of these amendments that are brought here make the situation any better. One thing muddles up another. You soon will not know whether you should start east in the morning to get west or start west to get east by these amendments.

I would not see any strong objection against importation of double decker buses although I do not see much need or room for it. But if someone wants to spend their money on this then they ought to be allowed the privilege.

Mr. President, while I support the amendment in principle, I do not go along with it all the way as it is.

I thank you, Sir.

MR. V. NORMAN BODDEN: Mr. President, I share the concern of this Government regarding the importation of certain types of vehicles that could be hazardous and endanger the lives of the public and our people. But I too, like the other speakers before me, have some concern for those vehicles already owned and operated in the Cayman Islands. In my view the total banning of parts for those vehicles could cause hardship to the owners who have already been allowed to import those vehicles to pay duties and taxes. I believe that parts solely for the specific purpose of repairs to those vehicles already on the Island should be allowed by special permission.

As regards to the operation of a double-decker omnibus here, I too can see the concern but I am of the opinion that there are areas on the main streets of our island where a similar vehicle can safely be operated. Additionally, there are fuel trucks and other heavy equipment that have been assigned to operate in certain areas of our island to use certain streets in preference to others. and I see no reason why some consideration could not be given to this vehicle and it be treated in a similar fashion. I would hope that the points that have been put forward can be further discussed when the bill reaches committee stage. Thank you, Sir.

MR. DALMAIN S. EBANKS: Mr. President, while I have to agree that we need these laws, the Traffic as well as anything else I cannot wholly agree with this bill, Sir. Besides as has already been pointed out here, like the mini-moke and stuff, some of them are already here and parts are required for them to perform; and then some of these parts can be used in other vehicles, so I do not see where it should be banned altogether, I think Government could control it or should control it. So far as the double-decker bus, again we have vehicles here in a large capacity, if a double-decker bus is going to be hazard for traffic those vehicles are, and I cannot support the idea of not allowing it to come in. Again, I can see where Government say, of a certain size, but not to prevent it - man or woman or whoever it may be that wants to import a double-decker bus here, I will never go along with that, Sir. Thank you.

MR. PRESIDENT: If there are no further speakers, does the Honourable mover wish to reply?

HON. G. HAIG BODDEN: Mr. President, one Member voiced his confusion to the many amendments to the Traffic Law, and I must admit that I too am confused. Ever since I have been in charge of this portfolio I have been requested to bring amendments to the Traffic Law. It has been amended every sitting of the House, with the exception of the March sitting of this year, and like the Liquor Law I imagine there will still be more amendments to come. But I believe this is right, because the traffic pattern is in a state of continuous change in these Islands, and as these changes come it is necessary to make amendments to the law. Because situations arise today, and have arisen over the last nine years which did not exist in 1973 when the Traffic Law was passed or when the 1973 Law

HON. G. HAIG BODDEN (CONTINUING): replaced an older one.

Right now in my file I have a few requests for other amendments to the Traffic Law, which it was not possible to bring at this sitting, so I can make no promises of not bringing amendments.

The ban on the importation of parts does not in anyway stop the use of the vehicle. The Member from West Bay made a valid point when he suggested that Government should seek proof of ownership when a person applies to bring in parts for a vehicle that has been prohibited, this perhaps, if it had been done in the Member's own time when he was in Executive Council would have prevented the construction of vehicles from imported parts. The same Member mentioned the height of the omnibus and felt that if the telephone lines and the electricity lines could be raised a few more feet it would then be possible to operate the omnibus without it creating too many hazards on the road. We are aware of the height, the width and the length of this vehicle, but I think the Member missed and certainly he did not reply to the prime hazard of the doubledecker bus as the means of public transportation; and that is, the many stops that this vehicle will make at every corner in George Town.

The First Member from George Town realised that his friend had not answered the most valid purpose for putting forward this amendment, and he tried to cover up the tracks for him by suggesting that there are areas of our roads where the doubledecker bus could be safely operated. And this is not the case, there is only one area and that is the new road from North Side to Tortuga Club where there are now no houses, no buildings, and the road is fifty feet wide. I challenge him to name any other area where these buses could be operated safely. And furthermore, even if they could be operated safely I think it would be economically infeasible to operate an omnibus service in an area where there are no passengers to use it. So the main purpose for putting forward the amendment to ban the importation of the double-decker bus stands out as clearly as before those two Members attempted to reduce the hazards caused by the many stops in an over populated street, and in an area where it would tie up traffic for many yards. The double-decker bus has no place on our roads.

One Member mentioned certain vehicles using the roads without proper directional signals. If this is happening he should report the specific cases to the Police Department so that the owners or the drivers could be prosecuted. The Law is already in shape, there are already adequate regulations and legislation to provide for the use of proper directional signals, and if there is a rare case where with the indulgence of the police a person is allowed to operate such a vehicle I would imagine that the Police would take adequate precaution to warn other motorists that this is happening.

The Member from West Bay agrees with the ban on the mini-mokes, and he must agree since he was an architect of that Law in 1972, but he sensed it could be broadened to ban other vehicles of similar nature. And he, unfortunately, for the knowledge of this House, he did not give any example. One such vehicle that comes to my mind is the Gurgel made by Volkswagen, and if the Member thinks that this particular type of Volkswagen should be banned from our roads he should put forward the motion in this House and see how much support he gets for it.

The Member from North Side mentioned two matters which have bothered us for some time. One is the pollution from diesel trucks that are badly maintained, and here again there is adequate legislation to cover this. In the Traffic Law the owner of the vehicle has the responsibility to keep that vehicle properly maintained, and properly maintained does not mean belching smoke from a motor that is malfunctioning.

The Member also mentioned the incident of a fork-lift being used to transport goods, and here again, this is a matter that has been brought to the attention of the police. A fork-lift

HON. O. HAIG BODDEN (CONTINUING): is not licensed to transport goods on the road, and anyone using a fork-lift for such transportation is subject to prosecution.

Having made those few remarks I feel satisfied that we should go ahead with the ban on the sought for ban on the double-decker buses, and we should also seek to prohibit the importation of parts for a vehicle whose importation, even nine years ago, was thought to be necessary.

MR. CRADDOCK EBANKS: Mr. President, through you, Sir, I wonder if you could ask the Member to give the dimension of this double-decker equipment.

HON. O. HAIG BODDEN: Mr. President, I do not recall them right off, but I have in my files the dimensions of a double-decker bus and a picture of it, and I can make that available to the Member sometime, but I cannot say off-hand.

MR. PRESIDENT: The question is that a Bill entitled "The Traffic (Amendment) Law, 1982" be now read the second time.

I think this may be a convenient moment to take a short break, and I will now suspend proceedings for 15 minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: We just finished the debate on the second reading of a Bill entitled "The Traffic (Amendment) Law, 1982", but I did not take a vote before we broke off proceedings briefly. I will now do so if I may.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1982

FIRST READING

CLERK: The Caymanian Protection (Amendment) Law, 1982.

MR. PRESIDENT: A Bill entitled "The Caymanian Protection (Amendment) Law, 1982" is deemed to have been read the first time and is to be set down for second reading. But I think that in order to take a second reading today it may be necessary to suspend Standing Orders as was done in the case of the first bill. Possibly the Honourable Member who is going to move the second reading may care also to consider moving the suspension of Standing Order 46(1).

SUSPENSION OF STANDING ORDER 46(1)

HON. D.H. FOSTER: Mr. President, I move the suspension of Standing Order 46(1) to allow the second reading of a Bill entitled "The Caymanian Protection (Amendment) Law, 1982".

MR. PRESIDENT: And I think Standing Order 46(3) & (4) probably - 42, not 4, 46(1) and 46(2) I think. No, just 46(1) perhaps. So the motion is that Standing Order 46(1) be suspended in order to enable a Bill entitled "The Caymanian Protection (Amendment) Law, 1982" to be read a second time. Does any Member wish to speak about the suspending motion? If no Honourable Member wishes to speak I will take a vote.

QUESTION PUT: AGREED. STANDING ORDER 46(1) SUSPENDED.

THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1982

SECOND READING

CLERK: The Caymanian Protection (Amendment) Law, 1982.

HON. D.H. FOSTER: Mr. President, I move the second reading of a Bill entitled "The Caymanian Protection (Amendment) Law, 1982".

Mr. President, this is a short amending bill and the Second Official has graciously consented to move an amendment when it comes to the committee stage. We have circulated this amendment, Sir, and I am not going to waste the time of the House to go into the Bill in any depth at this stage since the amendment will alter the Bill considerably, and I would perfer if whatever time we spent on it we would spend on it in committee stage when the Second Official Member proposes the amendment. Nevertheless, Sir, I ask Members support in committee stage when the amendment is put.

MR. PRESIDENT: Does any Member wish to speak?

CAPT. C.I. KIRKCONNELL: Mr. President, the bill before us today to amend the Caymanian Protection Revised has come as a very great surprise. I am surprised, because all Members of this Honourable House have been asked by you to serve on a committee, and quote "that would discuss both the principles which should govern the grant of status and any other possible amendments to the Caymanian Protection Law".

It was decided at the first meeting that members of the public should be invited to make representation in writing on any issue which concerns them. The committee also requested the Acting Attorney General, the Chairman, and the Secretary of the Caymanian Protection Board to prepare position papers setting out the anomalies and inadequacies of the entire law so that amendments could be done and the Law brought up-to-date. I would like to make it abundantly clear that I am in favour of protecting Caymanians rights in every possible way.

As the mover of this bill has said, the Second Official Member will be moving an amendment to the bill, and we have amendments to this - his amendment there, which I consider very fortunate for the Government Bench. Because I posed the question, if Section 24 is repealed what is the section which would then prescribe that every person of non-Caymanian status must obtain a license from the Board? Secondly, if no provision is made in the Law whereby a person of non-Caymanian status is required to obtain a license from the Board, then how could one commit an offence and be punished? What should come out, Sir, is what we have got before us, the amendment, because there is no other section that would make it compulsory for non-Caymanians to get a license if the entire section was removed.

When I am convinced that the proper amendment has been made, and that it is in the interest of the people of the Cayman Islands and protect their rights, and that this amendment will not further confuse and complicate the position regarding licenses required for gainful employment of persons of non-Caymanian status. I will support the Bill. We have lived with this law for ten years, and as I said before, this Legislature has to make a complete and thorough examination of the law and amend it before the end of the year. Why then, Sir, should we attempt to amend this law in a state of panic in a haphazard piece meal method?

Mr. President, I further question, Sir, if any amendments are necessary, should it be the entire section or only part of it? Again, if this is only a portion of the law that needs amendment, does any amendment consequential on that repeal of the portion to section 31 become necessary? Three, is the repeal of section 24 retroactive legislation in the sense that it is going to take away the rights that have already been vested? When these questions have been answered to my satisfaction, Mr. President, and I am convinced that this is necessary I will then support the bill, until such time, I am opposing the bill.

MISS ANNIE H. BODDEN: Mr. President, I too agree with what has already been said. We have been told that in January, 1993 the British Nationality Act will be considered, and we have been invited as a committee of all the entire Members to deal with that particular matter. I feel, Sir, that this piece meal amendment is absolutely out of order, and we can thank God today that we have a new Second Official Member who is wise enough to see the deficiency in this Law.

Mr. President, sometime I wonder if in the 1984 election if we can only invite four people to run or to get elected, because it appears to me, Sir, that we as back benchers, I think they now call us, we are never informed of anything. And we are not that dumb that we cannot make some suggestions sometimes, and I feel, Mr. President, that this is a most untimely amendment to this particular law.

You know, Mr. President, before your coming as our Governor, we have had in this Assembly certain statements made that we are making so and so law for so and so people, and I feel that is absolutely wrong, laws should be made for all and sundry. And I am wondering now, Sir, as has been said, if this was not in a state of panic that certain things which have happened recently, and which people who had worked on this, etc. etc. were involved, if this is not something now to counteract what has already been done. And if this law is retroactive, I feel that it is malicious to have such things in mind, and I, Mr. President, would humbly ask that we consider doing this entire Caymanian Protection Law all over in any part that needs amendments.

We have some very strange things going on in that Caymanian Protection Board, and I would not care publicly to disclose them because it would not be in the interest of our Islands. But, Mr. President, we have to look very strongly into this law, and we must see that all are given a fair chance and that justice is administered not because I happened to be so and so that I can get a work permit for my maid or for my son or somebody, we must make the law that it applies to one and all. And I cannot condone, as long as I am a Member of this House, any legislation against any particular person. And I could be wrong, because I am not always right, but at least I think I am right, and anytime I am told that I am wrong I am woman enough to admit my mistake, but I have in mind that it is a proposal in somebody's head to make this law retroactive to hurt certain people. And I feel, Sir, that we should not do any such thing, this thing should lay in abeyance until we are prepared to go fully into the Caymanian Protection Law and amend all its discrepancies and make the law workable. Thank you, Sir.

MR. BENSON O. EBANKS: Mr. President, in my contribution to this debate I would like to preface it by saying that I am doing so with complete disregard to the proposed amendment which was circulated a few minutes ago. I do not accept that that amendment is properly before the House since it does not conform with Standing Order 25(1) or (2), that is sub-section (1) and (2) of Standing Order 25. As such time as Standing Orders have been suspended and the amendment is properly before the House I will treat it as such, but for the time being I am going to deal with the proposed amendment as circulated in the green copy of the bill.

Now, Mr. President, in commencing my contribution to the debate on the second reading of this Bill, I wish to make it very clear that I am one hundred percent for the protection of the rights and privileges of Caymanians and the good name and reputation of the Cayman Islands. Indeed, it is a source of pride that I had the honour to introduce to the Legislative Assembly the original Caymanian Protection Law, 1971 and the companion legislation, The Local Companies (Control) Law, and the Work Permit Law 1971. Unfortunately, Mr. President, I cannot say that I have the same pride in this law in its present revised

MR. BENSON O. EBANKS (CONTINUING): and confused state.

I am further concerned that if this Bill as presented here today becomes law, then the law will be in even greater confusion than it is now. I am at a loss to understand, Mr. President, why Government deems it necessary to bring this amendment at this time, which even if it were passed would only be effective, for at the most, a period of two months, since it is proposed that these amendments do not become effective until three months after signification of the law or signification of the coming into force of the law has been given. That in my opinion includes the notice of disallowance from London, so I cannot see by any stretch of the imagination how this bill could be effective for a period of more than two months. Because, we as a committee of this whole House are now sitting to consider the effects of the New British Nationality Act, which becomes operative on the 1st of January, 1983.

We are sitting as I said, to consider the effects of the New British Nationality Act, which becomes operative on the 1st January, 1983, and on the present form of this law, and to make any consequential and necessary amendments, or to clear up any anomalies that may be found to exist. We have also represented, that is, the committee, has also requested representation from the public on this matter, and I hope I will have the opportunity to consult with and advise my constituents of any proposed changes.

The Caymanian Protection Law is a complex, and I may say, a unique piece of legislation. It is divided into parts as well as sections and clauses, and it is Part IV - The gainful occupation of persons of non-Caymanian status that we are here today concerned with. Section 24 of the law, which is part of Part IV, seems to be the one that is giving rise to the concern and rise confusion, and in the amended form of the law I can understand why the confusion arises. It arises because when the old Section 30 was removed from the original law in the revised bill, Section 24 should have been revised at the same time by removing the words "other than persons already lawfully in gainful occupations in the Islands on the 27th of March, 1972". Had that been done there would now be no confusion or problems with the bill.

And I am further suggesting, Mr. President, that that is all we can do today if we are to do anything. Because if Section 24 is repealed in its entirety as suggested in the bill before us it will make nonsense of the whole law. Section 24 is the only section in this law that says that persons of non-Caymanian status need a license to be gainfully occupied in the Island. And then, if this is taken out, then where is the teeth of the law and on what provision or section in the law will offences under Section 31 be grounded. It is therefore my submission that this entire bill before us today is an exercise in folly, and it must be amended, or better yet, withdrawn and examined more carefully in the fulness of time.

I realise, Mr. President, that Section 24 as I have said, is a matter of concern to many in this country, and I am also aware of the adage, that fools rush in where angels fear to tread. Nevertheless, at the expense of being considered a fool by some, for the records I am going to attempt to put Section 24, and in fact the whole of Part IV of which Section 24 is a part, in its perspective. As I said earlier, Section 4 deals with the gainful occupation of persons of non-Caymanian status and Section 24 is the section, and the only section of this law which requires persons of non-Caymanian status to have a license to be gainfully occupied in these Islands. Part IV commences with Section 23 of the Law, which exempts certain categories of persons such as employees of Government, councilor agents, etc. from gainful occupation licenses.

Section 24 requires all persons of non-Caymanian status, other than those persons who were already lawfully in gainful occupation in the Islands on the 27th March, 1972 to be licensed by the Caymanian Protection Board constituted under the Caymanian Protection

MR. BENSON O. EBANKS(CONTINUING): Law, 1971.

Now, Mr. President, who were persons that could have been lawfully painfully occupied in the Islands on the 27th of March, 1972, the date of the coming into operation of this Law, that is, the Caymanian Protection Law, 1971? Surely the only answer to this question is a person who was gainfully occupied under a work permit issued under the Work Permit Law of 1965, which was repealed by Section 77 of the Caymanian Protection Law, 1971. It is therefore my submission that this proviso in Section 24 referred to such persons, and must be read in conjuction with the original Section 30, which is now left out of the revised version of the law. In other words the intention here was not to cause persons who on the 27th day of March, 1972 held a work permit issued under the Work Permit Law, 1965 to seek a work permit from the Board constituted by the 1971 Caymanian Protection Law, until such time as the permit issued under the 1965 Law expired. This was considered essential and wise in order not to create extra expence for those persons who held gainful occupation permits under the 1965 Law or to inundate the new Board with examining and dealing with applications of all of those persons who fell in that category.

If the intention of the law was to exempt those persons completely from the law, then it is my submission they would have either been given status under Section 18 of the Law or given exemption under Section 33 of Part IV, which I referred to earlier. Further, if Section 24 was intended to create another class of persons exempted from the provisions of having to possess a gainful occupation licence under this section, then that class of person would have to be named in Section 33 as a person exempted from the provisions of that section. So, Mr. President, my submission is, that the proviso under Section 24 should have been removed simultaneously with the repeal of Section 30 of the original law; and further, that Section 24 cannot now be repealed in its entirety from the revised law, that is the Caymanian Protection Law, 1971 Revised, without making the whole law impotent.

It therefore follows that the bill before us today must be amended or alternatively, because of what I have said earlier about the sitting of the whole House as a committee to consider this bill, the bill should be withdrawn altogether, since it will only be operative for a maximum of two months before we must of necessity revise the law again in light of the New British Nationality Act, which comes into effect on the 1st of January, 1983.

I trust Honourable Members, and the Government Bench in particular, see the merits of my submissions and will act accordingly. I thank you, Mr. President.

HON. TRUMAN M. BODDEN: I would probably be about ten minutes or fifteen minutes.

MR. PRESIDENT: Would you perfer to leave speaking until after lunch and break now?

HON. TRUMAN M. BODDEN: As you wish, Sir.

MR. PRESIDENT: Perhaps if you like to speak, we may be able to finish this particular reading.

HON. TRUMAN M. BODDEN: Mr. President, I think it was Benjamin Franklin who said, "never leave that til tomorrow which you can do today", procrastination, Mr. President, has been one of the biggest waste of time that perhaps this generation and this century has seen.

What we have before us today in the form of the amendment to the Caymanian Protection Law Revised is a necessary amendment, and to put it off for another eight months, six months, is just prolonging the possibility of further mischief. What this law seeks

HON. TRUMAN M. BODDEN (CONTINUING): to do, to give effect to what the Legislature thought it had done in 1971 when the Honourable Third Elected Member from West Bay pointed out very clearly what he regarded the law to have been, and he was actually the mover of that law at that law at that time. This was meant to be what is commonly called a grandfather's clause, and to preserve the permit that existed at that time under the 1965 Work Permit Law, only for the period of time for which those permits were granted for. So, that if there was only six months to run at the end of that those permits would have expired and new ones would have been granted. And I have no doubt in my mind that that is what the Legislature at that time meant to do. If they had meant to do otherwise, then the whole section relating to the grant of Caymanian Status would have been all that would have been necessary, because Caymanian Status, when granted, does among other things, but mainly exempts a person from having a painful competition licence.

So that Section 24 would have been completely redundant in those circumstances if it was to mean that anybody who had a work permit at that time would have had one perpetually. Be that as it may, it has been held that whatever the Legislature may have meant is not what the law now is, and this amendment is to give effect to what the Legislature at the time of passing the law in 1971 meant to do. And this amendment is not peculiar to this time and age.

There was back in April, 1979 an amendment to what was the then Section 15, dealing with a similar misconception at the passing of the law which the courts felt that the law did not mean, and in those instances no question was raised as to opposing it or as to the timely introduction of the bill. And you have one of those removal of doubt clauses in that bill, which was the Caymanian Protection (Amendment) Law, 1979. Perhaps the biggest of those amendments, and just referring to the history, was also Section 15, in December of 1977 when the Legislature had to declare that such definition of "domicile" shall be deemed to be and always to have been the proper definition.

So this law as Members have pointed out is complex, but certain fundamental mistakes were made in 1971, and I believe that this Legislature should always be big enough to admit its mistakes and correct them timely. The Section that was reformed to also -(Mr. President, I do not give way).

MR. BENSON O. EBANKS: In that case, Mr. President, I reserve the right to ask at the conclusion of the debate to make an explanation.

HON. TRUMAN M. BODDEN: I do not intend to answer, and I do not give way, Sir, and he should realize that under the Standing Order, Sir, when I am on my feet and I do not give way he has no right to say anything relating to it.

Under Standing Order 31, I would just draw the Member's attention to that and ask him not to repeat it. What the .....

MR. BENSON O. EBANKS: Mr. President, on a point of order. I do not need to be lectured on the Standing Order, I understand Standing Order 24 perfectly, and I have reserved my position under sub-section(2), which I hope you will honour when the time comes.

HON. TRUMAN M. BODDEN: Under - may I go on, Sir?

Section 30 of the Caymanian Protection Law Revised has not been repealed, that is another fundamental mistake of interpretation that I am afraid has been put to this House. It has been exhausted under the revision provision of the law, it still remains, I understand it was argued, and really it does nothing to help the position under Section 24. Because all that it really has done is to bring in as a transitional provision for the Work Permit Law of 1965 a continuing

HON. TRUMAN M. BODDEN (CONTINUING): provision of the licenses granted under that law, it has not been repealed at all.

The question as to the law being retrospective, I can say this is not the first time that laws of this sort have had to have been passed, but it is to correct a very serious error. Because this present Section 24 has been interpreted whether we wish to agree or not, competently, and it has been held to mean that a person who had a permit at the time of coming into operation of the law has one in perpetuity, and that, Mr. President, in the light of the other provisions of the law cannot be correct.

Further, there is a conflict between Section 24 and Section 31, and that section was looked at in the committee stage and subsection (3) added to it by the committee which reverses the onus of proof in relation to a person accused. That once again, is very much looked down on in English law, but that was the wish of the Legislature to reverse the onus of proof and so be it.

The problem as it now is, is I think probably one of the most important since the Courts interpreted the word "domicile", and I think that any procrastination at this time can only be damaging and can only cause the people of these Islands to suffer as a result of any delays which may arise. I support the amendment, which in due course will, as usual, be dealt with at the committee stage and would suggest that Members here look at this, not as the introduction of any new section into the law, but as amending the revised law which is in effect, the 1971 law, to make it what the Legislature intended that it should have been at the time that it was passed, namely, that persons under that section should only have been exempted for the period that the old 1965 Work Permit Law allowed licenses granted under it to last, and that at the end of the license the applicant should then have had to applied under the law to have a new one granted.

It would really be stupidity at this stage to endeavour to say that if it has been interpreted by a court of competent jurisdiction to mean something, that it doesn't mean that. And I think we must abide by the interpretation as it has been given and we must endeavour to remedy the wrong regardless of what loss of face we may have, and endeavour to put matters in order. And this amendment does nothing more than that, does nothing more than many of the other previous amendments have done, and I would ask the House to support it and to clear what I regard as an extremely important matter. Thank you.

MR. BENSON O. EBANKS: Mr. President, under Standing Order 24 subsection (8) I crave the indulgence of this House to make an explanation.

MR. PRESIDENT: Will the explanation be quite brief?

MR. BENSON O. EBANKS: Yes, Sir.

MR. PRESIDENT: Very well.

MR. BENSON O. EBANKS: I will not introduce any new matter, Mr. President.

Mr. President, in my debate I made it plain that the confusion with Section 24 exists, because in the revised form of the law Section 30 is stated as exhausted, repealed, or whatever name you want to call it by, had the provision been taken out of Section 24 when Section 30 became exhausted we would not now have any confusion. And my submission is, that if Section 24 is taken out in its entirety the bill is then impotent.

I am not seeking to run from any blame or responsibility for anything, Mr. President, I am proud of the 1971 Caymanian Protection Law the way it was originally written.

MR. PRESIDENT: Thank you. Does any other Member wish to speak? Does the Honourable mover wish to reply?

HON. G. HAIG BODDEN: I certainly wish to speak, Mr. President.

MR. PRESIDENT: I think in that case we might adjourn for lunch. I had thought we might have finished the second reading, but I think if there are further speakers it is wise to adjourn, and I suggest we meet again at 2:30 p.m. Thank you.

HOUSE SUSPENDED AT 12:40 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated. In accordance with the motion passed this morning by the House I propose that we now start question time, and I call on the Member for North Side.

MR. BENSON O. EBANKS: Mr. President, on a matter of clarification, Sir, could I be informed whether we are going to limit question time to a period now or are we going to carry on until all questions on the paper are disposed of?

MR. PRESIDENT: I think we should limit it as we normally do. It is normally limited to a period for one hour, that is 'til eleven o'clock, if started at ten, I think it would be reasonable to limit it for a period of one hour which is roughly 'til 3:30 pm.

MR. BENSON O. EBANKS: Well then, Sir, do I have your assurance that Members whose questions have not been reached at the end of that hour would have the privileges afforded to them under the 11 o'clock rule or by sub-section (8) of section 25.

MR. PRESIDENT: That would be my understanding that we would proceed, I think that was the wish of the Assembly, proceed on the usual basis but at a different time of day so that the procedure normally follow will apply.

QUESTIONS

MR. CRADDOCK EBANKS, JP, MLA OF NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.16: Will the Member state the procedure for dealing with members of the Police Force who are involved in road accidents and whether compensations are collected to cover the cost of the damagedvehicle, other than the insurance which Government carries on the vehicle?

ANSWER:

Traffic accidents which involve Police Officers driving Government vehicles are initially investigated by the Traffic Department in the normal way with the exception that officers of the rank of Inspector or above carry out the investigations.

The Attorney-General then decides whether prosecution should follow.

Officers may be required to pay compensation if guilty of gross negligence. No officer has paid any for the last five years.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Then it appears that the accidents that have happened within the last 5 years have been determined not negligence.

HON. D.H. FOSTER: Obviously so, Sir.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. Could the Member say if these officers are still allowed then to drive the police cars?

HON. D.H. FOSTER: No, Sir. Where it is suspected that the police driver may have been at fault in an accident suspension from driving the force vehicles is put into effect immediately, Sir.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. Is that suspension for an indefinite period or until the investigation has been completed?

HON. D.H. FOSTER: Pending the investigation, Sir.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. Is it fair to the public for them to be prosecuted for negligence and the police not prosecuted for negligence?

HON. D.H. FOSTER: That is not quite the picture, Sir, the police can be prosecuted for negligence, Sir. And if it has been proven that it is gross negligence he can be required to pay compensation, but if he is found at fault and the file shows that he requires to be - the Attorney-General agrees that he should be prosecuted, he is prosecuted, Sir.

MR. BENSON O. EBANKS: The question of gross negligence. Is this determined by the departmental investigation or is it dependent on the outcome of the case before the court, if it goes to court?

HON. D.H. FOSTER: I would say, it depends on the outcome of the court hearing, Sir, the court's decision.

MR. PRESIDENT: If there is no further supplementary I will call on the next questioner who is .....

HON. D.H. FOSTER: Mr. Norman Bodden, Sir.

MR. PRESIDENT: The member for George Town. I am sorry I was trying to get the correct discription.

MR. NORMAN W. BODDEN, MBE, MLA OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.11. Will the Member state what steps, if any, have been taken in the matter of repatriation of Caymanians prisoners in Jamaica, etc., in accordance with section 23 of the Imprisonment Law?

ANSWER:

There are at present only two Caymanian prisoners remaining in Jamaican prisons, both for drug offences.

SUPPLEMENTARIES:

MR. NORMAN W. BODDEN: I have a supplementary, Mr. President. Could the Member state if any action is being taken to consider the repatriation of these two prisoners?

HON. D.H. FOSTER: Mr. President, no, Sir, not at this moment because our present cell block is just about fully or you could nearly say, overcrowded, and phase 2 will not be completed until the end of the year, probably early next year. We are making no effort right now, Sir, to repatriate these two that are left there mainly on account of space up there, Sir.

MR. NORMAN W. BODDEN: I have a supplementary, Mr. President. Could the Member state what has caused the delay in the completion of phase 2 of the Northward Prison.

MR. PRESIDENT: I am not sure that that really is a supplementary, I think that would need to be put down as a separate question, it does not really arise out of the original answer, it may be arisen out of an answer to what was itself a supplementary.

MR. NORMAN W. BODDEN: I bow to your ruling, Sir.

MR. GARSTON J. SMITH: Mr. President, with your permission I would like to ask one supplementary. Could the Member state to this Honourable House whether or not our prisoners are still being sent to Jamaica?

HON. D.H. FOSTER: No, Sir, Caymanian prisoners are not being sent to Jamaica.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. Could the Member state whether the overcrowding at the present cell block is caused by the imprisonment of Caymanians or are they prisoners of other nationality?

HON. D.H. FOSTER: Up to the present time, Sir, we are sending all Jamaican nationals back to Jamaican prisons. So you could say, they are Caymanians plus other nationals that are not so easy to repatriate.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. I wonder if the Member could say presently how many prisoners that are on the compound in Northward?

MR. PRESIDENT: I do not know that that is strictly a supplementary either. We are straying really rather a long way from the original question. I was a little doubtful about the last supplementary, but this one goes a bit further still.

HON. D.H. FOSTER: I can give him the answer, Sir if you will allow me .....

MR. PRESIDENT: Well, I will be indulgent at this time and allow the answer to be given, but I shall have to be little stricter about supplementaries, otherwise it is going to mean some questioners do not get their questions reached.

MR. CRADDOCK EBANKS: I accept your ruling, Sir. I am not asking for no favours.

MR. BENSON O. EBANKS: Could the Member state, if Jamaican prisoners are sent back to Jamaica, how it was that among the three or four that escaped from the prison a few weeks ago most of them were Jamaicans?

HON. D.H. FOSTER: If my memory serves me right, Sir, I might be wrong though, I was thinking that two of those at least were awaiting trial. I think I am right, at least two of them were awaiting trial, they had done the preliminaries but were awaiting trial. But if I am wrong there, Sir, they have all been sent back by now, I can assure you that.

MR. PRESIDENT: If there is no further supplementary I will call upon the Honourable Member for North Side to ask the next question.

MR. CRADDOCK EBANKS, JP, OF NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION & SOCIAL SERVICES:

NO. 18. What is the average cost per day to maintain and feed prisoners and what does their daily menu consist of?

ANSWER:

The average cost per day to maintain and feed a prisoner is approximately $4.00, this includes meals, clothing, bedding, etc.

ANSWER TO QUESTION NO.18 (CONTINUING):

Menus vary day by day, the prison rules prescribe that food shall be "wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity".

ANSWERED BY THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

MR. CRADDOCK EBANKS: Question No. 19.

MR. PRESIDENT: I am sorry, I was thinking you wanted to ask a supplementary. I will just give one moment more in case anybody wants to ask a supplementary. I beg your pardon. If nobody does then - yes, you are quite right - question No.19.

MR. CRADDOCK EBANKS, MP OF NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES:

NO. 19. Will the Member state whether prisoners incarcerated in the Northward Prison are used to work and assist in clearing public roads and other Government premises?

ANSWER:
Prisoners in the Northward Prison are engaged in an Agricultural and Horticultural programme within or near the prison grounds. They also maintain the all metal furniture in the compound and keep the prison grounds clean and well landscaped.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: A supplementary, Mr. President. Does that mean that the prisoners then are not allowed to work on the outside?

HON. D.H. FOSTER: Mr. President, when the long-term prison was proposed and the site was being looked for it, it was decided that we would get a big enough piece of property that the their main occupation could be agriculture and horticulture, Sir. It does mean transporting prisoners outside plus wardens to go with them, it is not as practical and as profitable really as what we are doing up there at present.

MR. CRADDOCK EBANKS: A further supplementary, Mr. President. Can the Member state if the Law provides that prisoners may work on the outside?

HON. D.H. FOSTER: Oh, I do not think there is anything to prevent them working on the outside, Sir, nothing at all.

CAPT. C.L. KIRKCONNELL: A supplementary, Mr. President. Does it take all of the prisoners to carry on the agricultural and horticultural programme and to clean the metal furniture in the compound. Does it take every prisoner to do these three chores?

HON. D.H. FOSTER: Mr. President, I may explain, Sir. Some prisoners are in confinement may be, some you cannot afford to let them work outside the compound, in short it boils down that there is about six that we use just for the outside of the compound up to the present moment, Sir.

MR. CHADDOCK EBANKS: Then, Mr. President, a further supplementary. If one wants the best for a day's treatment he just has to commit some small offence and get into California White House.

HON. D.H. FOSTER: I would not advise it, Mr. President.

MR. CHADDOCK EBANKS: I cannot live on $4.00 a day eating the nourishing food that is pointed out here, Sir.

MR. PRESIDENT: If there is no further supplementary I will call on the Third Elected Member for George Town to ask the question standing in her name on the Order Paper.

MISS ANNIE H. BODDEN, OBE OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.20. Will the Member state when the Accounts of Cayman Airways, due to have been finalised on 15th April, 1982, can be expected to be laid on the Table of this Honourable House?

HON. JAMES M. BODDEN: Mr. President, it is difficult to answer question No.20, because I think there is a typographical error. If the Member asking the question would like to advise me whether it is 1981 or 1982, I have a prepared statement on 1981 which I will submit.

MISS ANNIE H. BODDEN: Mr. President, Sir, my question was, for the accounts up to the 30th June, 1981 which we were promised would be finalised by 15th April, 1982.

HON. JAMES M. BODDEN: Mr. President, if that is correct, I can answer it.

ANSWER:
The Audited Accounts of Cayman Airways Limited for the period ending 30th June, 1981 have been finalised. However the accounts of Cayman Air Holdings Limited have been unavoidably delayed, but are due to be finalised shortly. Since it has been customary to submit the Accounts of both Companies simultaneously, they will be laid on the Table of the Legislative Assembly in due course.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, with your permission, Sir, could I be told what is meant by "due course"?

HON. JAMES M. BODDEN: Mr. President, "due course".

MISS ANNIE H. BODDEN: Mr. President, I am quite aware that 'due course' means 'due course', but when is due course?

HON. JAMES M. BODDEN: Mr. President, the Member asking the question is well informed on what due course means.

MR. BENSON O. EBANKS: A supplementary, Mr. President. If the accounts of Cayman Air Holdings Limited are to be finalised shortly, could this House be expected to receive the Audited Accounts of the two companies by the next sitting?

HON. JAMES M. BODDEN: Mr. President, you may.

MR. PRESIDENT: If there is no further supplementary I would call upon the Member to ask the next question standing in her name.

MISS ANNIE H. BODDEN, OBE OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION & TRADE

NO.21. Will the Member make a statement concerning any feasibility study on the viability of Cayman Airways' operation from Cayman Brac to Miami?

ANSWER:
A feasibility study into the proposed service by Cayman Airways Limited between Cayman Brac and Miami is presently being prepared by the Company and is due to be presented to the Board of Directors later this month. The Board will then decide as to its viability and implementation. However, it is reasonable to hope that such a service could be viable in view of the continued operation of U.S. carrier Aerosun International Inc., between Cayman Brac and Florida. Apart from the envisaged economic viability, the obvious social impact on the Sister Island will be immeasurable.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, Sir, another supplementary. Would it be if this service was permitted that it would not be expected that there would not be much profit, thereby taking into consideration the two companies running and it would not be feasible for either one?

HON. JAMES M. BODDEN: Mr. President, by this time everybody is aware that the interisland operation is not a profitable venture.

CAPT. C.L. KIRKCONNELL: Mr. President, why then was it put on the Radio and put in the Press that Cayman Airways was going to start a service between Cayman Brac and Miami. Why, I am asking was it put if they have not made the feasibility study?

HON. JAMES M. BODDEN: Mr. President, that may have come about because of the underhanded support from some Members of Cayman Brac in regards to our negotiation in regards to the Aerosun flights into Cayman Brac.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Would the Member state the frequency of the flights, and I would appreciate if he would explain his last statement?

HON. JAMES M. BODDEN: I can quite explain that, Mr. President, with your permission. Certain Members of the Cayman Brac - or the representatives from Cayman Brac into this Legislature sent telegrams to the U.S. State Department supporting the operation of Aerosun at the same time that this Government was trying to limit the operation of Aerosun. And if they would like me to be more explicit I will be very pleased to do so.

CAPT. MABRY S. KIRKCONNELL: Mr. President, with your permission, may I make a statement?

MR. PRESIDENT: May you make a statement? Under what part of the Standing Orders do you want to make a statement?

CAPT. MABRY S. KIRKCONNELL: I am not that familiar with the Standing Orders, so I will withdraw.

MR. PRESIDENT: But if it is of help to you, if you wish to make a personal explanation there may be- but if you are withdrawing we will leave it at that.

Does any Member wish to ask a further .....

MR. BENSON O. EBANKS: Yes, Mr. President, I do not think the Member answered the first part of the last supplementary. That is, the proposed frequency of the flights from Cayman Brac to Miami.

HON. JAMES M. BODDEN: The proposed frequency may be two flights a week.

MR. PRESIDENT: If there is no further supplementary, I will ask the Member to ask the third of the question in her name as on the Order Paper.

MISS ANNIE E. BODDEN, OBE OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.22. Will the Member make a statement as to the entire amounts advanced by Cayman Islands Government to Cayman Airways Limited and/or Cayman Air Holdings Limited from the assurance of relations with Lacsa up to the 30th June, 1982?

ANSWER:

The total amount advanced by the Cayman Islands Government to Cayman Airways Limited and/or Cayman Air Holdings Limited over the period was CI$10,315,435.58 as follows:-

November, 1980	CI$499,525.62 (Loan Repayment)
May, 1981	899,725.34 (Loan Repayment)
November, 1981	921,627.75 (Loan Repayment)
January, 1982	68,661.75 (Deposit on purchase of HS 748)
	250,000.00 (To cover fuel costs)
February, 1982	561,102.82 (HS 748 Purchase)
May, 1982	7,551,401.33 (Liquidation of Loan)
June, 1982	75,000.00 (Advance for office accommodation)

SUPPLEMENTARIES:

MISS ANNIE E. BODDEN: Mr. President, Sir, with your permission I should like to ask a supplementary question. As I see from this there was an advance of almost 11 million dollars, what has happened to the 3 million dollars between that and the 14 million which has been advanced?

HON. JAMES M. BODDEN: Mr. President, the question asked, what had been advanced, the Member knows what has been voted. I would imagine that the Honourable Financial Secretary has the balance of it still in reserve.

MISS ANNIE E. BODDEN: Mr. President, I should like to ask Sir, why are we not told of these things, why are we left in darkness?

HON. JAMES M. BODDEN: Mr. President, I do not have to answer that one because I have just taken the lady from darkness ....

MR. PRESIDENT: I think it was a rhetorical question. (Laughter)

HON. JAMES M. BODDEN: into light. She asked the question as to what was used out of this loan, and I have answered it. The remainder of it she would have to know would remain into the Treasury, it has not been used. So I have taken the Lady from darkness into light.

MISS ANNIE E. BODDEN: I am still in the light, you are in the dark.

CAPT. C.L. KIRKCONNELL: Mr. President, will the Member state how he acquired Lacsa's shares, they are not on this list, how were they paid for - Lacsa's share of Cayman Airways Limited?

HON. JAMES M. BODDEN: As you are well aware, the Honourable Member that is asking that question, he is quite aware of how the shares from Lacsa were purchased, and they were purchased by the Cayman Islands Government paying quite a large amount more than what they were worth. And this Honourable Member is quite aware of how the shares were purchased, that question should not have been asked.

CAPT. C.L. KIRKCONNELL: Mr. President, it should be asked. The question is, will the Member state the entire amounts advanced by the Cayman Islands Government to Cayman Airways Limited and/or Cayman Air Holdings Limited from the severance of relations with Lacsa up to the 30th June, 1992? And this has not been answered.

HON. JAMES M. BODDEN: Mr. President, I am sure the Member is aware it has been answered. In November, 1990 it called for a loan repayment of CI$819,951.62. The Honourable Member asking that question was a Member of Cabinet at that time and was quite aware that the Cayman Islands borrowed on a short term loan 1.5 million dollars from a bank in the Bahamas, which most of that was used to purchase the shares from Lacsa, which everybody said, we were gifted with.

CAPT. C.L. KIRKCONNELL: Mr. President, it is still not answering this question, because the shares were purchased. This is the amount of money that the Government has spent, why was it not shown here as an amount spent to purchase Lacsa's share, why was not that included here?

HON. JAMES M. BODDEN: Mr. President, if the Member would refresh his mind and look at the question that is being asked to this House, the question being asked by this House is what amounts of money were advanced by Cayman Islands Government to Cayman Airways Limited and to Cayman Air Holdings Limited. The mount of money that was advanced I think is covered in this question. I am not the Accountant for Cayman Islands Government, I can only rely on what is given to me from the Financial Secretary, and I am sure that he is correct. And as I have said once before, the Member asking that question is quite aware that the money paid to Lacsa was a part of an original loan of 1.5 million dollars which was made by this Government towards the purchase of Cayman Airways shares from Lacsa as well as to keep it into operation. I am sure he has not lost his memory on that.

CAPT. C.L. KIRKCONNELL: Mr. President, I am not suffering from amnesia, my memory is very clear, and I am very mindful of all that he has said, but it still should be included - that amount, the shares that was purchased from Lacsa should be included in this total amount.

HON. JAMES M. BODDEN: Well, Mr. President, I wonder if the Member would look at his paper good and see that in November, 1990 there was a loan repayment of CI$819,951.62. In May of 1991 there was a repayment on loan of 3959,725.34 Cayman Islands Currency. I can only assume, I am not the accountant for the Cayman Islands Government, I can only assume that this amount would cover the original loan which this Government made of 1.5 million dollars.

MR. BENSON O. EBANKS: Mr. President, a supplementary. The CI$819,951.62 made on the 24th November, 1990 was made to the Royal Bank of Canada on the 10 million dollar loan, can the Member then direct us to where the repayment on the original loan is shown in the estimates?

HON. JAMES M. BODDEN: Mr. President, this is again going out of the extreme I would think, because the Members are quite aware that the 10 million dollars loan that was made from the Royal Bank a part of that was used to repay the 1.5 million dollars which was made from City Bank of New York. So at that point the original loan was incorporated, everything, into the loan with Royal Bank, and the Honourable Members of this House are quite aware of that, Sir.

CAPT. C.L. KIRKCONNELL: Mr. President, being very aware of that is why I am questioning it, and I still maintain that it is not included here. I have gone through these figures, and as he said, I am very much aware .....

MR. PRESIDENT: Are you asking a question or are you making a statement?

CAPT. C.L. KIRKCONNELL: I am asking a question, because he has evaded the answer. That should be in addition to what the total sum that he has just told the House.

MR. PRESIDENT: I think you are disputing the accuracy of the answer.

HON. JAMES M. BODDEN: Mr. President, I have never evaded a question in my life, particularly coming from the Honourable Member from Cayman Brac.

MR. PRESIDENT: Order, Order.
Are there any more supplementaries? If not I will ask the First Honourable Member for the Lesser Islands to ask the first of the question standing in his name on today's Order Paper.

CAPT. C.L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION & TRADE

NO.23. When the Finance Committee approved the sum of CI$14 million for Cayman Airways Limited, one of the stipulations was that immediate steps be taken to employ qualified airline advisers to examine and advise on the re-organisation of the Airline's operation. Will the Member state what steps, if any, have been taken to comply with this stipulation?

ANSWER: Prior to this stipulation by Finance Committee Cayman Airways had secured the services of Air Canada personnel along with Government's personnel adviser to do an evaluation exercise within the Company. This is an ongoing exercise to improve the efficiency of the Company in all areas of operation. Recently the Company contracted the services of a highly qualified and experienced Financial Controller who is now in post and proceeding to update the financial records of the Company. No one needs experts to identify the major problem with the Airline. That is the same today as it was in the beginning which is that the Company purchased and is being obliged to operate aircraft unsuited to its needs. This would not have been brought about had not their values been touted so highly by one Member of the 1976-1980 Administration.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: A supplementary, Mr. President. The Member answering the question was a Member of the Finance Committee and accepted the stipulation that immediate steps be taken to employ qualified airline advisers to examine and advise on the re-organisation of the airline's operations. Am I now to understand that the Member is over-ruling the wishes or avoiding the wishes of the Finance Committee and saying that this is not going to be done?

HON. JAMES M. BODDEN: Mr. President, I am not evading the issue or avoiding it either, I am just asking, if the Honourable Member that just pose the question would like to evaluate whether the people that Cayman Airways has employed at the present time studying various aspects of the Company are competent or not.

MR. BENSON O. EBANKS: Mr. President, that is not the question. A condition of the agreement to the 14 million was that the airline would employ outside advisors.

HON. JAMES M. BODDEN: I cannot understand the Member's question, Mr. President, because the airline has employed outside advisors.

MR. BENSON O. EBANKS: Mr. President, if that is so it is not obvious from the answer. The answer says prior to the stipulations by the Finance Committee, I am speaking of subsequent to the stipulations.

HON. JAMES M. BODDEN: Mr. President, prior and subsequent both.

CAPT. C.L. KIRKCONNELL: Mr. President, will he care to name the advisor that Cayman Airways has now employed and give us some background?

HON. JAMES M. BODDEN: Mr. President, I would not care to air the qualifications of anybody in this Honourable Chamber at this time.

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

MR. PRESIDENT: There are two members on their feet, I think the member .....

MR. BENSON O. EBANKS: Mr. President, a further supplementary, Sir. Am I to understand the last sentence in the original and written answer to mean the Member to be saying that the aircraft now in use or - (I better rephrase that, Mr. President, it goes back to two sentences) - Am I to understand the Member to say that the aircraft - that he is saying that the aircraft in use now are unsuited to its needs?

HON. JAMES M. BODDEN: Mr. President, this was aware from the first day we purchased the first BAC 1-11, every member involved in the negotiations on that date or on those days were quite aware of the cost that would be involved in the operation of the BAC 1-11. It was quite obvious to everybody, it was fully explained, and if some Members would get to their feet, may be, and tell the truth on this point they would know that it was brought out fully at that time what the maintenance cost of the BAC 1-11 would be compared to any other aircraft which Cayman Airways could buy.

CAPT. C.L. KIRKCONNELL: Mr. President, the most recent feasibility study made by Caledonian Air, would the Member care to state which aircraft Caledonia experts recommended as the most feasible for the route structure which Cayman Airways now have?

HON. JAMES M. BODDEN: Mr. President, we have had about five studies done. If I remember correctly, three studies showed that the most profitable airplane on CAL route would be the 737, I think three of the studies showed that. One of the studies which was done by McDonald Douglas naturally showed their aircraft as being the best, one report showed the 737, and I think that may have been the Caledonian study. But if the Member would study what is going on in Cayman Airways he might find that all of those studies at certain times may have some differences in them which would not reflect accurately what is happening in the airline.

CAPT.C.L. KIRKCONNELL: Mr. President, can this House be assured that Cayman Airways will get an expert advisor to come in and try to get this Company put on a sound footing, because all we have had to date, Sir, are just fly-by-nights, here today, gone tomorrow. Will the Member assure this House that he will get proper expert advisors, people who know the airline business not these dumb-heads that we are getting.

HON. JAMES M. BODDEN: Mr. President, if the Member asking that question had put something forward for the Cayman Islands that has been as helpful to it as Cayman Airways has been to the Cayman Islands I could understand it. There have been mistakes made, there have been various studies done, additional studies will be made, we will leave no stone uncovered that can be of benefit to Cayman Airways. But it is no use of us running off into the dark thinking we are going to just pull somebody in here that is going to tell us what all of our troubles are. We are quite aware of what our troubles are, the Member asking the question is quite aware of them, he knew them back in 1977.

CAPT. C.L. KIRKCONNELL: Mr. President, yes, I knew them, but it was no use of anybody knowing anything, the Member knows the whole insides of everything in Cayman Airways, that is what is wrong with it.

MR. PRESIDENT: Order, order.

HON. JAMES M. BODDEN: No, that is not what is wrong with it, Mr. President, the Member .....

MR. PRESIDENT: Order, order. I think we have strayed from questions and answers, and I must bring back just proper supplementaries and answers to them.

MR. RANSON O. EBANKS: Yes, Mr. President, a supplementary. If my memory serves me correctly the minutes of the Finance Committee tabled this morning stipulated that Cayman Airways would continue to use the present equipment for a minimum of two years, and if the equipment which we are using was so unsuitable, why did not the Member object in that meeting?

HON. JAMES M. BODDEN: Mr. President, the meeting being referred to at that point we could do nothing else, but I would advise the Member that it is always profitable to keep an open mind and listen to things that are happening, and if he does he might find that Cayman Airways like many other things could be improved upon.

MR. PRESIDENT: If there is no further supplementary I will invite the Honourable second Member for the Sister Islands to ask the question standing in his name on today's Order Paper.

CAPT. MABRY S. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION & TRADE

No.24. Will the Member advise if steps are being made to establish a schedule of service to Little Cayman by Trilander which will serve the need of residents and visitors?

ANSWER:

The Trilander is presently used when needed on this route at great cost to the Company.

SUPPLEMENTARIES:

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. I still would like my question answered, Sir, and I would like to know if the services of the Trilander priority is given to Little Cayman? Which I do not think it is.

HON. JAMES M. BODDEN: Mr. President, I can only answer this in this manner. Would the Member asking that question expect that for about 20 to 30 people living on Little Cayman that you would be able to publish a schedule, for say, two or three days a week at a certain time to accommodate that amount of people. It is best to do it in the manner which is

HON. JAMES M. BODDEN (CONTINUING): being done now, whenever one person wants to go to Little Cayman the plane is available, many cases it has gone with only mail and a few pounds of freight. The Member I am sure is quite aware of that. But to try to schedule Little Cayman with about 20 to 25 people, twice a week or three times a week, would be plain stupidity.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Did the Member state it is available anytime anyone wants to go to Little Cayman. If so, why is Government not able to get their employees to work until 5:30 on Monday afternoon?

HON. JAMES M. BODDEN: Mr. President, I am sure that the Member would not expect that I would know about everything that happens in Cayman Brac. I can only state this, Mr. President, that in reviewing the figures, and the scheduling, and the passenger loads of the Trilander into Little Cayman I have come across many, many trips where there was no passenger at all and some trips where there was only one person. If you can tell me or that Honourable Member can tell me how it is expected to maintain a schedule that would be profitable under those circumstances, I would like to learn, Sir.

MR. BENSON O. EBANKS: A supplementary, Mr. President. On Little Cayman there exists a number of tourist facilities, would the Member care to state whether those establishments would not be better served if there was a published schedule to Little Cayman?

HON. JAMES M. BODDEN: I would like for him to explain to me, how, because we have no control over tourism and the wishes of people who travel. They could be coming from Florida today with half a dozen people, and our schedule might not be 'til Wednesday, our published schedule, and you want to tell me then they must sit here for two days while they wait on the schedule. The best way, Mr. President, is the manner in which it is now, whenever it is needed, the aircraft is available.

HON. BENSON O. EBANKS: A supplementary, Mr. President. Would the Member state whether it would not be more convenient to the travelling public, tourists in particular, if they could go into a Travel Agency in the United States and know on what day they could get to Cayman Brac or Little Cayman?

HON. JAMES M. BODDEN: I am not sure it would be, Mr. President. I am asked to voice an opinion, I cannot do that.

MR. PRESIDENT: If there is no further supplementary, I will ask the Honourable First Elected Member for the Lesser Islands to ask the next question standing in his name on today's Order Paper.

CAPT. C.L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.25. An undertaking was given that the 10 Year Tourism Development Plan for the Cayman Islands would be laid on the Table of the Legislative Assembly. Will the Member make a statement?

HON. JAMES M. BODDEN: Mr. President, I am sure the Member made a mistake, No. 24 is the next question, Sir.

CAPT. C.L. KIRKCONNELL: Mr. President, there was an error in printing and my paper was remembered, 23 is on the other page and then the top of the page is 24, 25, it has to go down one number, Sir.

MR. PRESIDENT: Yes, I think they should have been renumbered in manuscript, and some perhaps have not been, but I believe it is No.25 .....

HON. JAMES M. BODDEN: Mr. President, I have the answers to 24 and 25, if you would just advise the Honourable Member to make this House aware of which question he wants answered at this time.

CAPT. C.L. KIRKCONNELL: Mr. President, the error was not mine, Sir. I would like to ask question No.25. If my questions have been renumbered it is a typographical error made by the Clerk's Office and it is not of my doing. I would like to ask question No.25.

MR. PRESIDENT: The question which starts "An undertaking ..."

HON. JAMES M. BODDEN: Reply to question No.25:-

ANSWER:
This Government, like any other democratic government, cannot be expected to divulge details of any top level discussions or negotiations with a foreign power. .....

MR. PRESIDENT: No.

HON. JAMES M. BODDEN: This is Number 25 on mine.

MR. PRESIDENT: No. I think we must have a different Order Paper.

HON. JAMES M. BODDEN: Mr. President, I think this can be overcome if the Member would place his question, rather than going by the numbers because No.25 on my Order Paper is the one I am answering.

MR. PRESIDENT: I did try to help by saying, it is the question that starts "An undertaking..", and I think those of us whose Order Papers have been corrected in manuscript have that as question No.25, and I think it is to that question that the Honourable Member intended to refer. I am sorry that your own Order Paper has not been similarly corrected.

HON. JAMES M. BODDEN: Well, if that is the way it is, Sir, I will answer this as question No.25, although it is question 24 on my Order Paper.

ANSWER:
It is still the intention to lay on the Table of the Legislative Assembly the Ten Year Tourism Development Plan as prepared by the firm of Laventhol and Horwath, after Government has decided whether or not to accept any or all parts of the recommendations into the development of tourism in the Cayman Islands.

SUPPLEMENTARIES:

CAPT. C.L. KIRKCONNELL: Mr. President, did the Member not state in that meeting that he would be laying this Report on the Table of this Honourable House at its next sitting, which is now?

HON. JAMES M. BODDEN: I do not remember, Mr. President, whether I mentioned that or not, I am only say this, that it is available, it has not been completely dealt with yet, and if the Member would like to have it in its present form without it being accepted by the Government I will be prepared to lay it on the Table at this session; if not, I would think the appropriate time would be to do it, in due course.

MR. BENSON O. EBANKS: Mr. President, I have a supplementary, Sir. This Report has been in Government's hands for sometime, would the Member state whether Government is having any difficulty in accepting the recommendations of the Report?

MR. PRESIDENT: I do not think that really arises from the original - well, perhaps it arises from the answer, alright, yes.

HON. JAMES M. BODDEN: Mr. President, this Report like many other Reports of Government in the past has been with Government for a long time before any decisions have been made. The decision on this particular study will be forthcoming in due course.

MR. PRESIDENT: I think we have now exhausted allotted span of time for questions, and as I said when we started them I intend that we follow the usual practice laid down in Standing Orders, except of course, substituting half past three for eleven o'clock.

MR. BENSON O. EBANKS: Mr. President, in that case, Sir, I would like to ask that question No.28 standing on the Order Paper in my name be postponed until tomorrow's sitting of the House.

CAPT. C.L. KIRKCONNELL: Mr. President, I would likewise ask that question No.26 be carried forward to tomorrow's sitting.

HON. TRUMAN M. BODDEN: Mr. President, I am wondering what authority this is under so I could just have a quick look at it, whether it is under 23 or not.

MR. PRESIDENT: 23 (6).

HON. JAMES M. BODDEN: Mr. President, the Member asking that request, Sir, on my Order Paper question 26 does not stand in his name.

MR. BENSON O. EBANKS: Mr. President, to assist the Member who spoke first, my request is made under sub-section (6) of Section 23, and my question on my paper is definitely question 28.

MR. PRESIDENT: As I understand it, any Honourable Member who has a question which was not asked before the end of question time is entitled to signify his desire to postpone the question to a later sitting. And my understanding is that the First Elected Member for the Lesser Islands has so asked to postpone what was originally question No.25 and was corrected in manuscript to 26; and that the Honourable Third Elected Member for West Bay has asked so to postpone what was originally question No.27 and was corrected to 28 in manuscript. And I believe that one other Member intended to make a similar request.

MR. NORMAN W. BODDEN: Mr. President, I would ask that question No.27 standing in my name be postponed for the next sitting tomorrow.

MR. PRESIDENT: And that is what was question No.28 and was corrected to 27. So it is the three unasked questions may be dealt with in accordance with Section 23(6).

I think it may be convenient to take a short break now, and I therefore suggest that the House resume in 15 minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: We can resume the debate on the Second Reading of a Bill for a Law to amend the Caymanian Protection Law.

THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1988

CONTINUATION ON THE DEBATE OF THE SECOND READING

HON. O. HAIG BODDEN: Mr. President, the Bill before the House seeks to make an amendment to The Caymanian Protection Law in order to remove what has now became, if allowed to remain, an intolerable situation with regard to work permits. It seems that in 1972 when the Caymanian Protection Law became operable, with regards to Section 24, Section 24 had been so written as to allow non-Caymanians working here at the time to continue to work without having to go out on that day and get new work permits.

Apparently, when the existing permits of those people ran out they then went out and had the permits renewed. This is the way the Law was written, although not too precise in its diction; this must have been the intention of the Legislature that Section 24 would simply allow non-Caymanians working before the 27th of March, 1972 to continue to work under their old permits until those permits had expired. And people in employment took advantage of this, they continued on their work permits and when their work permits ran out they then applied and had their permits renewed. But ten years after this situations have arisen where people who benefitted from this clause clause and who had their permits renewed year after year have now tried to remove the burden of having to get permit by claiming that they do not now need a permit because they did not need a permit on the 27th of March, 1972. But those people who did not need a permit on the 27th March, 1972 were people who were at that time working under work permits, and the saving provision in Clause 24 simply allowed these people to work until their permits had expired. And if this is not corrected it could well mean that hundreds of people who are non-Caymanians, and who were gainfully employed on the 27th March, 1972 could from this day onward continue to work without having to make an application to the Board. And this could never have been the intention of Clause 24, although, because of its wording it has now been declared by the Courts that Section 24 would allow people to continue without permits. And the amendment to the Law is necessary, it is also urgent and must be done at this time.

One Member referred to the Committee which has been set up by Government to study the Caymanian Protection Law so that there can be consequential amendments prior to the coming into operation of the British Nationality Act on the 1st January, 1983. And one Member at least felt that this amendment should wait until such time as the committee has met, and the new amending bill has come to the House. I cannot see the reasoning behind this argument, because here today we are dealing with Part IV of the Law which specifically deals with the issuing of gainful occupation.

The British Nationality Act has nothing at all to do with gainful occupation. The effects upon our Law will not be felt in Part IV, which is being amended today. The effects of the British Nationality Act will specifically be felt in Part III, which deals with Caymanian Status, and Part V, which deals with Immigration and probably Part VI, which will deal with importation. But Part IV, which is being amended today deals only with gainful occupation and the issuing of work permits. The passage of the British Nationality Act will in no way interfere with the system of issuing work permits, as even when the committee meets, although the committee has been given in its terms of reference wide powers to make suggestions or amendments to the Law, it is quite possible that the committee will not touch Part IV of the Law.

The Second Official Member has mentioned that in the committee stage he will move an amendment to the Bill which is before the House, and I must say that his amendment is a good one and will tidy up the Bill that had been originally presented to the House. One Member tried to pretend that that amendment is not before the House, for which there is no authority. The Bill before the House under our Standing Orders, I think it is Section - under the Standing Orders an

HON. G. HAIG BODDEN (CONTINUING): amendment can be made to a Bill, usually two days notice should be given in writing before an amendment can come to a Bill, but the same Standing Order goes on to say, "that notwithstanding the service of the notice the Chair has the right to allow amendments without any notice at all". The Presiding Officer here has allowed the amendment, he allowed the amendment to be circulated, he allowed the introducer of the Bill to mention that the amendment would be dealt with, and unless the Chair acts otherwise this Bill with the amendment proposed by the Second Official Member is properly before the House.

So, whether the Member debated the Bill as amended does not matter, the Bill as amended is before the House and in committee stage the details of the amendment can be discussed.

The amendment which is being made to the Caymanian Protection Law will now make it clear that those people who are in employment on the 27th March, 1972, if they were non-Caymanians will now need a work permit just the same as they needed it all the years from 1972 until 1982. This is a loophole which must be closed to prevent hundreds, perhaps thousands of people who were employed here, not only in 1972 but prior to 1972, and some of them perhaps have even gone away. If this amendment is not made it would be possible for all of them to come back and work without work permits. It disturbed me when I heard Members saying that something of such great urgency should be held off until later in the year, this should have been acted upon yesterday or last week if the House had met, and to say that it will only be another six months before this Bill will have substantial amendments is almost irresponsible.

The Legislature have an obligation and should also have the commitment to correct any anomalies, particularly when they touch upon a subject as vital as the Immigration to a small colony.

The amendments which may come to the Caymanian Protection Law will not be needed if we sit by idly and allow hundreds or thousands of people to use a loophole or to take advantage of the fact that in 1972 in March, there was some, as the late Sir Winston Churchill used to say, 'some terminological inexactitude' which allows people to walk freely pass the Protection Board or the Immigration Authorities.

I trust that Members, having now seen as my colleague says, the difference between darkness and light will unanimously support this much needed amendment. No one has said that the amendment is not needed, they have said it can come sometime before the first of January, 1983, and that would be good if those people who can take advantage of this loophole would give a commitment to the Members that they will not use the loophole which has now been upheld in the Courts as a means whereby people who were so employed ten years ago can now have new employment without work permits.

This Bill is of great urgency, and I would hope that not later than tomorrow we can have the third and final reading so that this gap can be closed.

HON. D.H. FOSTER: Mr. President, the Fourth Elected Member has summed up very nicely for me, Sir, and I do not want to waste the House's time. I am sure everybody will see the need for this, and delay is dangerous, and when we get into committee stage I am sure the Second Official Member will have an opportunity to explain the amendment to everybody better, and they will understand it. I commend the Bill, Sir.

MR. PRESIDENT: The motion before the Assembly is that a Bill entitled "The Caymanian Protection (Amendment) Law, 1982" be read a second time. If it is convenient for Members, I think there might be time to at least make a start on one further Bill today.

HON. D.H. FOSTER: I think you should put the question, Sir, on the Second Reading first.

MR. PRESIDENT: I am sorry, you are quite right.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE LIQUOR LICENSING (AMENDMENT) LAW, 1982

FIRST READING

CLERK: The Liquor Licensing (Amendment) Law, 1982.

SECOND READING

HON. JAMES M. BODDEN: Mr. President, I move the second reading of a Bill entitled "The Liquor Licensing (Amendment) Law, 1982". The reason for this amendment is that we have found through a clarification done by the Attorney General's office, that there is a small loophole in the present Law and that it could be used to upset some of the other regulations in the Liquor Law. Therefore, I am craving the indulgence of the House that they will support this Bill, and that it will become Law to allow this loophole to be closed. Thank you, Sir.

MR. PRESIDENT: If I can remind Members at one point, which I think perhaps the last speaker may not have been aware. We found this morning that it was necessary in the case of each of these Bills if they were to be taken today, to move the suspension of Standing Order 46(1), because the Bills have not been circulated sufficiently long in advance.

If the Member would care to move that we can take that first, and then .....

HON. JAMES M. BODDEN: Yes, Sir, Mr. President. I was not aware of that. I move suspension of Standing Order 46(1) to deal with a Bill entitled "The Liquor Licensing (Amendment) Law, 1982".

SUSPENSION OF STANDING ORDER 46(1)

MR. PRESIDENT: The motion before the Assembly is that Standing Order 46(1) should be suspended in order to enable the Assembly to consider a Bill entitled "The Liquor Licensing (Amendment) Law, 1982".

Does any Member wish to speak to the motion?

QUESTION PUT: AGREED. STANDING ORDER 46(1) SUSPENDED.

THE FIRE BRIGADE (AMENDMENT) LAW, 1982

FIRST READING

CLERK: The Fire Brigade (Amendment) Law, 1982.

MR. PRESIDENT: A Bill entitled "The Fire Brigade (Amendment) Law, 1982" .....

MR. BENSON O. EBANKS: Mr. President .....

HON. D.H. FOSTER: Mr. President, I think we better get regulated here a little bit, Sir. Is there not going to be any debate on the Liquor Licensing one?

MR. PRESIDENT: I am afraid I got slightly confused. Yes, you are quite right, thank you. I do not think we in fact had a first reading of the Liquor Licensing (Amendment) Law. And I think what we should do, having got a motion to suspend Standing Orders to enable us to consider the Liquor Licensing one, is that I should now say, that the Bill entitled "The Liquor Licensing (Amendment) Law, 1982" is deemed to have been read a first time and is set down for second reading.

And now we have reached the stage when the Honourable Member who was moving it can move the Second Reading. I am afraid we got ourselves slightly snarled up. I am sorry I did not give

MR. PRESIDENT (CONTINUING): more helpful guidance to the Assembly.

THE LIQUOR LICENSING (AMENDMENT) LAW, 1982

SECOND READING

HON. JAMES M. BODDEN: Mr. President, I move that a Bill entitled "The Liquor Licensing (Amendment) Law, 1982" be considered by this House, Sir. And I have already stated the reason for bringing this short amendment.

MR. PRESIDENT: The question is that a Bill entitled "The Liquor Licensing (Amendment) Law, 1982" be given a second reading. The motion is open for debate.

QUESTION PROPOSED: DEBATE ENSUED.

MR. BENSON O. EBANKS: Mr. President, I have no real problem with this Bill, except that it is my belief that certain premises which will now come under this definition may already hold liquor licenses, whether, if it is a hotel license or a retail license, I am unable to say, but I would certainly like to be assured that such premises as may enjoy those licenses will not be deprived of the renewal of those licenses, even if another form of license will have to be substituted. And I will get more fully into that in the committee stage. I thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Does the mover of the motion wish to reply?

HON. JAMES M. BODDEN: Mr. President, I take note of what the Honourable Member has proposed, and I would propose that when we get into the committee stage that the Honourable Attorney General proposes a further amendment to this one to take care of what he has said.

MR. PRESIDENT: The motion is that a Bill entitled "The Liquor Licensing (Amendment) Law, 1982" be given a second reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

HON. G. HAIG BODDEN: Mr. President, with your permission, in the interest of time if you could have the first reading on the other Bill we could probably finish tomorrow. If you could have the first reading today it might be possible to finish tomorrow.

MR. PRESIDENT: First and second. I had wondered if it is very brief we might be able to try that.

THE FIRE BRIGADE (AMENDMENT) LAW, 1982

FIRST READING

CLERK: The Fire Brigade (Amendment) Law, 1982.

MR. PRESIDENT: I think it will be necessary again to suspend Standing Order 46(1).

SUSPENSION OF STANDING ORDER 46(1)

HON. JAMES M. BODDEN: Mr. President, I seek the indulgence of the House to suspend Standing Order 46(1) to enable the House to deal with this Bill.

MR. PRESIDENT: The motion before the House is that Standing Order 46(1) should be suspended in order to enable the introduction and consideration of a Bill entitled "The Fire Brigade (Amendment) Law, 1982".

MR. PRESIDENT: Does any Honourable Member wish to speak to the Motion?

QUESTION PUT: AGREED. STANDING ORDER 46(1) SUSPENSION.

MR. PRESIDENT: The Bill entitled "The Fire Brigade (Amendment) Law, 1982" is deemed to have been read a first time and is set down for second reading.

THE FIRE BRIGADE (AMENDMENT) LAW, 1982

SECOND READING

CLERK: The Fire Brigade (Amendment) Law, 1982.

HON. JAMES M. BODDEN: Mr. President, I move the second reading of a Bill entitled "The Fire Brigade (Amendment) Law, 1982". This is necessary, Mr. President, in order that disciplinary rules can be set to regulate the Fire Brigade.

MR. PRESIDENT: Does any Honourable Member wish to speak?

MR. BENSON O. FRANKS: Yes, Sir.

Mr. President, while I realise that the Memorandum of Objects and Reasons does not form part of the Law, I note that it is stated in the Memorandum of Objects and Reasons that the Bill seeks to amend the Fire Brigade Law, 1978 (Law 2 of 1978) by conferring on the Governor in Council the power to make disciplinary rules in respect of minor infractions of discipline, whereas Section 2 in the Law makes no reference to minor infractions. And I would like some explanation on this Law, since as I read it, subsection (2) of Section 4 of the principal law, that is, The Fire Brigade Law, 1978, puts fire officers or officers of the brigade in the absence of any contract to the contrary under the Public Service Commission Law. And I am wondering whether there are any other departments of Government which have rules made by the Governor in Council to govern the discipline of its members other than the General Orders under which all Civil Servants work.

It is quite possible, Sir, that this amendment comes about because of volunteer officers, but I would require clarification on the points which I have raised. If it refers to people on the permanent and pensionable establishment, then I want to know whether this is a special case or other persons who are under the ordinary General Orders, which is the Public Service Commission rules and regulations, as the case may be, come in for similar treatment.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Does the mover wish to reply?

HON. JAMES M. BODDEN: Mr. President, the point raised by the Honourable Member, I cannot really debate that too intelligently at this time, and I would defer to the Attorney General for a ruling, and if I have to propose an amendment I will do it in committee stages.

MR. PRESIDENT: The motion is that a Bill entitled "The Fire Brigade (Amendment) Law, 1982" be read a second time.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think this may be a convenient time for the adjournment.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

HON. TRUMAN M. BODDEN: Mr. President, I would just like to take this opportunity of welcoming the Second Official Member and the Third Official Member to this Honourable House.

The Honourable Attorney General like the Financial Secretary has a very heavy load on them both, but I think they can be assured of the co-operation and support of this House. And while I am certain that the Third Official Member knows that the House here is an orderly and peaceful one it is perhaps reassuring for the Second Official Member to hear those words and to have seen the Legislature in action today. And I also wish for the Honourable Attorney General and his family a pleasant stay here.

MR. BENSON O. EBANKS: Mr. President, it is not often that I can endorse the words of the last speaker, but on behalf of the Members on this side, if I might be bold enough to do so, Sir, I would like to join this side of the House with those sentiments.

MR. PRESIDENT: Thank you very much. If it is in order for the Chair to join in the sentiments too, may be I can do so.

If no Member wants to speak on the motion I will put it to the vote. The motion that this House do now adjourn until 10 o'clock tomorrow morning.

QUESTION PUT:AGREED. AT 4:35 P.M. THE HOUSE ADJOURNED UNTIL TUESDAY 13TH JULY, 1982 AT 10:00 A.M.

SECOND MEETING OF THE (1989) SESSION
OF THE LEGISLATIVE ASSEMBLY

HELD ON TUESDAY, 13TH JULY, 1989

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG - PRESIDENT

GOVERNMENT MEMBERS

HON D R FOSTER, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON	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 AVIATION AND TRADE
HON G HAIG BODDEN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN 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
MISS ANNIE HULDAH BODDEN, CPM	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 CRADDOCK EBANKS, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

TUESDAY, 13th July, 1982
SECOND DAY

1. QUESTIONS -

CAPT.CHARLES L.KIRKCONNELL, MLA OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.26: Will Government make a comprehensive statement to this Honourable House (apart from the goodwill and contacts forged) of what was actually achieved as a result of the two visits by Government Delegations to Washington, D.C., within the last year and the cost to the Cayman Islands Government?

MR.W.NORMAN BODDEN, MBE, MLA, OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION & TRADE

NO.27: Section 36 of the Liquor Licensing Law states that -
"It is an offence for any person to consume any intoxicating liquor while in or on any kind of vehicular conveyance which is moving along or standing adjacent to any highway or its verges.",
Would the Member state the number of persons charged for violation of this section for 1981 and 1982?

MR. BENSON O.EBANKS,MLA, OF WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.

NO.28: On or about the 10th February, 1982 Government purchased a parcel of land in East End, Grand Cayman, to wit, Block 75A, Parcel No.47, at a price of CI$8,000 per acre. Will the Member state how this valuation was arrived at and whether the property in question possesses any extra-ordinary features, e.g., elevation, type of soil, accessibility as compared to other lands in the same general area?

MISS ANNIE HULDAH BODDEN, OBE, MLA OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.29: Will the Member give the number of ex-patriate children from whom school fees are now collected, and the total amount received since the new system was introduced?

MISS ANNIE HULDAH BODDEN, OBE, MLA OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.30: Will the Member make efforts to have the Department responsible for lighthouses have the North Westpoint lighthouse cleaned and painted?

NO.31: Will the Member make a statement concerning the system used in purchasing supplies for the Public Works Department?

MR.W.NORMAN BODDEN,MBE, MLA OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.32: Will the Member state if Government is considering the development of White Hall Bay Point as a marine refuelling or similar operation?

CAPT.MARRY KIRKCONNELL, MLA OF THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS & WORKS

NO.33: Will the Member state when construction of runway extension and lighting of Gerrard Smith Airport, Cayman Brac, will be completed?

NO.34: Will the Member advise of progress being made on construction of the new Bluff Road, Cayman Brac?

NO.35: Will the Member state when the extension of the Bluff Road to the lighthouse on the East End of Cayman Brac will be gazetted?

CAPT. CHARLES L. KIRKCONNELL, MLA OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.35: Is any member of the Cayman Islands News Bureau presently registered or has ever been registered with a foreign government or any foreign government department as a foreign agent for the Cayman Islands Government?

CAPT. CHARLES L. KIRKCONNELL, MLA OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.37: What is the total cost of operating the Cayman Islands News Bureau in the United Kingdom?
Will the Member give a breakdown as regard to: -
(a) office rental
(b) salaries
(c) all other allowances?

2. GOVERNMENT BUSINESS:-

BILLS -

(i) The Traffic (Amendment) Law, 1982 - COMMITTEE THEREON
(ii) The Caymanian Protection (Amendment) Law, 1982 - COMMITTEE THEREON
(iii) The Liquor Licensing (Amendment) Law, 1982 COMMITTEE THEREON
(iv) The Fire Brigade (Amendment) Law, 1982 COMMITTEE THEREON

(i) The Traffic (Amendment) Law, 1982 - THIRD READING
(ii) The Caymanian Protection (Amendment) Law, 1982 THIRD READING
(iii) The Liquor Licensing (Amendment) Law, 1982 THIRD READING
(iv) The Fire Brigade (Amendment) Law, 1982 THIRD READING

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3. OTHER BUSINESS: -

GOVERNMENT MOTION NO. Assessment Committee to be moved by the Honourable First Elected Member of Executive Council responsible for Agriculture, Lands and Natural Resources.

4. PRIVATE MEMBER'S MOTION NO. 1 - TO BE MOVED BY MR. BENSON O.EBANKS OF WEST B.C. TO BE SECONDED BY CAPT. CHARLES L. KIRKCONNELL OF LESSER ISLANDS

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TUESDAY 13TH JULY, 1982

10:00 A.M.

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

QUESTIONS

CAPT. CHARLES L. KIRKCONNELL OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION & TRADE

NO. 26. Will Government make a comprehensive statement to this Honourable House (apart from the goodwill and contacts forged) of what was actually achieved as a result of the two visits by Government delegations to Washington, D.C., within the last year and the cost to the Cayman Islands Government?

ANSWER:
This Government, like any other democratic government, cannot be expected to divulge details of any top level discussions or negotiations with a foreign power. Such divulgence at this point could seriously prejudice the result of meetings held between representatives of this Government and those of the United States of America. However, this Government is of the opinion that, apart from the obvious goodwill and contacts made, that the results of the two delegations to Washington will be positive and in the continued well-being of these Islands. The cost to the Cayman Islands Government was approximately CI$16,000.00 which represents the cost of transportation, hotel accommodation and receptions at the British Embassy. It would be worthy to note that both delegations received substantial support from the British Embassy during both visits.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Did a representative of the News Bureau go to Washington with the delegations?

HON. JAMES M. BODDEN: The answer is in the affirmative, Mr. President, and that is one of the reasons that we have the News Bureau, it is in order to work together with delegations from this country abroad.

CAPT. CHARLES L. KIRKCONNELL: Supplementary Mr, President, was the News Bureau allowed to sit in on the discussions?

HON. JAMES M. BODDEN: On some of them, Mr. President, but a lot of them was done with just the officials of this Government.

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Is the News Bureau which is a private company, more important to this country than the elected members who were put in by the people of these Islands?

MR. PRESIDENT: I think we have been straying further and further from the original question. If this was the kind of information the Honourable Member wished to elicit, there should have been a specific question on the point. If you look at the original question, it was as to the benefits derived from the visit, and its cost, not as to the composition of the delegation that made it, nor specifically about whether a private organization should or should not have been represented within that delegation. And I do not really think that the supplementary now asked arises.

MR. BENSON O. EBANKS: Mr. President, with your permission, I have a supplementary.

I have before me a publication called "Cayman Washington Report", and it refers to the visit made in July 1981, in the answer which has been given the visit is referred to as top level discussions. And in this report it said that discussions on the Turtle Farm were held with Senator Roger Jepson of Iowa, Representative Charles Wilson of Texas, House Majority Leader.....

HON. TRUMAN M. BODDEN: Mr. President, on a point of order, under Standing Order 22(1)(b), what the Member is doing is to base a question upon a newspaper report or a non official publication, and it makes it very clear in that Standing Order that if a question contains a statement of fact the Member asking it shall make himself responsible for the accuracy of the statement and no question shall be based upon a newspaper report or upon a non official publication.

MR. PRESIDENT: Thank you for calling my attention to that Standing Order, and the Honourable Member who was asking the question had not really got around to the question, I was going shortly to tell him that we expected a supplementary, not a long statement. If the question is coming and as long as it is not based on the newspaper report I will allow it.

MR. BENSON O. EBANKS: Well I will put the question another way, Mr. President.

Would the Member state whether the delegation met with the Chairman of the House and Senate Sub-committees with responsibility for the overseeing of the endangered species act or only with Senators down the ladder.

HON. JAMES M. BODDEN: Mr. President, it was such a long list of people that to be frank with you, that is over a year ago, I do not remember each and every one of them. I would not call the Senators of the United States a long way down the ladder.

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Will the Member say whether the $50,000.00 a year trade seed that was planted in 1981 by the Member present at the meetings.

HON. JAMES M. BODDEN: Mr. President, could I have that question repeated? I will be very frank, I did not get the gist of it.

MR. PRESIDENT: I did not hear it properly either, I am afraid.

CAPT. CHARLES KIRKCONNELL: Mr. President, in a reply previously made to this House by the same Member, he said that he had planted two seeds, and he had to nurture the seeds, and I am referring to the seed which he planted in the United States at a cost of CI$50,000.00 to this Government, and I am asking if this man was present at the meetings held in Washington.

HON. JAMES M. BODDEN: Mr. President, I really do not know what seed he is talking about. I personally have planted many seeds, and if one has been as expensive as $50,000.00 I would like to know about it.

CAPT. CHARLES KIRKCONNELL: Mr. President, so many of these seeds have not sprouted. I am just wondering if this one has sprouted. Will the Member say whether this one has sprouted.

HON. JAMES M. BODDEN: This one may have sprouted better than yours.

MR. PRESIDENT: I think the difficulty is that neither the Member nor I is sure to what you are referring. If you could be more specific.

CAPT. CHARLES KIRKCONNELL: Mr. President, he is known apparently as the trade representative, appointed by the Member at a cost of $60,000 per year to this Government in Washington. This is whom I am asking about.

MR. PRESIDENT: Your question is, was he present at the discussion.

CAPT. CHARLES L. KIRKCONNELL: Yes, Sir.

HON. JAMES M. BODDEN: Mr. President, again I think that is straying very far from the original question, and a more specific question should have been tabled asking about the trade representation in Washington.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, are the expenses of this trade representative included in the figure which the Member has presented to this House?

HON. JAMES M. BODDEN: Mr. President, another question which is not based on the original question.....

MR. PRESIDENT. I think that is a fair one, I agree with you that the last was not strictly revelant but this one, if he is asking whether the $16,000.00 figure given in your answer included some expenses of the trade representative I think.....

HON. JAMES M. BODDEN: I do not think he asked some, but I will answer it Sir. If it was a $50,000.00 seed that was originally planted it would not have been included in this $16,000.00 seed.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am here to ask questions to elucidate the answer, I did not come here to hear a Red Skelton perform on the other side of the House. I would like to know if this representative's expenses were included in the $16,000.00 or not.

HON. JAMES M. BODDEN: Mr. President, I only came here to answer questions that made sense too, and to elucidate from them. If the Member wishes to go into name calling, I will agree with him, I can do that just as good as him.

MR. PRESIDENT: I think though that it is reasonable to ask whether part of the $16,000.00 was attributable to expenses or whatever, paid to the trade representative. Are you able to answer that?

HON. JAMES M. BODDEN: I could not answer it really yes or no. But I would imagin that that did not include any of the cost of the trade representative in Washington.

MR. BENSON O. EBANKS: Mr. President, a further supplementary, Sir. In my original supplementary, I did not name the Members of the Sub-committee, that is the Chairman of the Sub-committee responsible for the administration of the Endangered Species Act, and my question to the Member was, whether the delegation had in fact met these chairmen. And I think that is a fair question.

MR. PRESIDENT: I think it was answered.

MR. BENSON O. EBANKS: It was not specifically answered, Sir.

MISS ARNIE E. BODDEN: Sit down.
What is this?

HON. JAMES M. BODDEN: I cannot answer a question sitting down, I think.

Mr. President, we did meet with a lot of people, I do not have the list with me. If I had been forewarned I would have brought the list of all the people we met with. But at the time that we met in Washington last year, the head of the particular committee that he is speaking about had not yet been appointed. And we met with those who were lower down on the ladder, rather than the person responsible for it.

MR. BENSON O. EBANKS: Mr. President, could I ask the Member then whether he recalls meeting representation John Bareau of Louisiana, and John Chaffe of Rhode Island?

HON. JAMES M. BODDEN: I think I can answer that in the affirmative (zero-negative). We did not meet with them. I was referring to the Head of NOAH, which is a branch of the United States Government, and the official head of that, due to the transition, had not yet been appointed.

MISS ANNIE H. BODDEN. Mr. President, with your permission, Sir, I should like to ask if according to this answer, if we as Legislators are not entitled sometimes to have some explanation of what is happening.

HON. JAMES M. BODDEN: Mr. President, I think that the Members of this House are fairly well advised as to what is going on. But they would not expect that every move that Government makes is going to be divulged in advance. Besides that, Sir, it it is very difficult sometimes to divulge information, knowing that within a couple of hours it will probably be in the newspapers.

MISS ANNIE H. BODDEN: Mr. President, Sir, I would like to make a statement with your permission. And it is this. If we are so useless why are the eight of us brought here?

HON. JAMES M. BODDEN. I think that question was more to you, Mr. President, than to me.

MR. PRESIDENT: I was not expecting you to answer, and I am not sure that the Member was.

If there are no further supplementaries

.....

MR. BENSON O. EBANKS: I have a supplementary, Mr. President. With regard to the last statement about particulars of the meeting reaching the newspaper, I refer again to this publication which obviously had some access to what went on. And I notice that this has the Cayman Coat of Arms on the cover.

MR. PRESIDENT: It does not seem to be a question. And I must ask the Member not to make statements without permission during question time because it takes up the time that could be used by other questioners.

If there is no further supplementary, I will invite the First Elected Member for Georgetown to ask the first question standing in his name in today's order paper.

MR. W. NORMAN BODDEN, MBE, OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 27. Section 38 of the Liquor Licensing Law states that -

"It is an offence for any person to consume any intoxicating liquor while in or on any kind of vehicular conveyance which is moving along or standing adjacent to any highway or its verges."

Would the Member state the number of persons charged for violation of this section for 1981 and 1982?

ANSWER:

It is surprising that this question has been asked by the First Elected Member from George Town, since he is also a Member of a Committee recently established to review the current Liquor Licensing legislation, and it was only while serving on this Committee that he was made aware that this section was in the Law. The Portfolio, however, has been advised by the Police Department that there were seven persons charged under this section in 1981 and up to 6th July, 1982 there have been two persons charged.

SUPPLEMENTARY:

MR. W. NORMAN BODDEN: I have a supplementary, Mr. President, and it is merely this. From observation the consumption of intoxicating liquor in vehicles while been driven along our roads appears to be a common practice. Would the Member give an undertaking that this Section 38 will be forcibly brought to the attention of the public.

HON. JAMES M. BODDEN: Mr. President, I cannot give such assurances. The Member moving that question is a Member of the Liquor Licensing Board, the same manner in which I am. And neither could he give that assurance. He is well aware that under the Liquor Licensing Law we do not have an enforcement branch.....

MR. PRESIDENT: I was going to say that I think it is really for another Member on the Government side to undertake the attention of thepolice could be brought to the point. I do not know whether another Member would care to give a suitable assurance.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I will be happy to give that assurance.

MR. PRESIDENT: If there is no further supplementary, I will invite the Third Elected Member for West Bay to ask the question standing in his name in today's order paper.

MR. BENSON O. EBANKS, MLA OF WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 28. On or about the 10th February, 1982 Government purchased a parcel of land in East End, Grand Cayman, to wit, Block 75A, Parcel No. 47, at a price of CI$8,000.00per acre. Will the Member state how this valuation was arrived at and whether the property in question possesses any extraordinary features, e.g., elevation, type of soil, accessibility as compared to other lands in the same general area?

ANSWER:

The valuation of Parcel 47 in Block 75A of the East End Registration Section was carried out by the Lands and Survey Department. This Officer values all lands which Government proposes to purchase. The method used in carrying out this valuation was the comparative method.

Executive Council approved the purchase of this parcel of land and the Finance Committee unanimously approved the release of the necessary funds.

This property was acquired for the construction of a civic centre - hurricane shelter and is ideally suited for this sort of development due to its topographic features, one of which is elevation. Another asset which this parcel enjoys over other properties in the area is a 30 foot vehicular right-of-way. The adjoining parcels situated off the main road, called John McLean Drive, only have the benefit of a 8 foot pathway. The soil on this parcel is of the type found throughout the land in the district.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Mr. President, a supplementary. Could the Member tell me at what time the 30 foot vehicular right-of-way was acquired to this parcel?

HON. JOHN McLEAN: Mr. President, the 30 foot vehicular right-of-way was a part of the purchase of the property which the Member approved in Finance Committee.

MR. BENSON O. EBANKS: A further supplementary Mr. President. Would the Member confirm that the Lands Officer also valuates documents tendered for registration for Stamp Duty purposes?

HON. JOHN McLEAN: Mr. President, is that question really relevant to.....

MR. PRESIDENT: I was going to say I do not understand quite how that can be a supplementary arising out of the answer to the original question.

MR. BENSON O. EBANKS: The answer is that the valuation was carried out by the Lands Officer at the Lands and Survey Department and I am trying to establish whether this is the same gentleman who assesses or approves valuations on documents for Stamp Duty purposes?

MR. PRESIDENT: Because you are not sure who he is you mean? You are not sure who is not by the Lands, the.....

MR. BENSON O. EBANKS: Yes Sir.

HON. JOHN McLEAN: Yes, Mr. President, that is the same one.

MR. BENSON O. EBANKS: Mr. President, is the Member aware that on the 17th of February property in the same general area on the main road that is the John McLean Drive, changed hands for a value of $1,666.66 per acre.

HON. JOHN McLEAN: Mr. President, I think that is a statement. But I would just like to say, it all depends on who the land was coming from. I can recall years ago, I got the same piece of property free from my grandmother.

MR. BENSON O. EBANKS: A supplementary Mr. President, is the Member aware whether the Lands Officer questioned the valuation on the document dated the 17th of February for Stamp Duty purposes?

MR. PRESIDENT: I am a little doubtful whether it is reasonable to expect the Member to be in the position to answer that, because it is far removed from the original question. I can understand the link with it, but it is not information with which the Member answering could have been expected to brief himself.

MR. BENSON O. EBANKS: Mr. President, he is the Member responsible for that portfolio.

HON. JOHN McLEAN: I am the Member responsible for that portfolio, and if you would direct the proper questions before hand I would have the answers here.

CAPT. CHARLES L. McKOONELL: Mr. President, a supplementary Sir. How could land in the same vicinity be sold on the 17th of February and one on the 10th of February vary as much as 4.8 times in value? How is this possible? Will the Member please explain.

HON. TRUMAN M. BODDEN: Mr. President, with all due respect, on a point of order if the Member will look at Standing Order 22 Sub-order (1), sub-paragraph (C) it makes it very clear that a question shall not solicit expression of opinion or the solution of an abstract legal question or be hypothetical. And that I submit is very clearly an expression of opinion.

MR. BENSON O. EBANKS: Mr. President, I would submit that the question was soliciting an answer of fact.

MR. PRESIDENT: I do not think it is a question of opinion. The question as I understood it was, why should one parcel of land in the vicinity of another fetch almost five times as much. And I do not think that really is a question of opinion, it presumably is some answer dependant upon the precise location or nature of the land.

HON. JOHN McLEAN: Mr. President, the only property that I can recall in the area was bought by Government, by the school for I think approximately $45,000, and that was just about a quarter of an acre of land.

MR. BENSON O. EBANKS: Mr. President, it is not Government purchase that I am referring to, Sir.

MR. PRESIDENT: I think if the Honourable Member wants to obtain an answer as to why one piece of land was sold for much more than another piece of land there will have in due course to be a specific question about that, because the question that was originally asked related solely to one piece of land.

MR. BENSON O. EBANKS: I accept your ruling, Mr. President, I think the point has been made that we tried to establish.

MR. PRESIDENT: If there is no further supplementary question, I will invite the Third Elected Member for George Town to ask the first question standing in her name in today's order paper.

MISS ANNIE H. BODDEN, OBE, MLA, OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 29. *Will the Member give the number of expatriate children from whom school fees are now collected, and the total amount received since the new system was introduced?*

ANSWER:
There are four hundred and seventeen (417) children in Government Schools, one hundred and seventy four (174) in the Primary, seventy seven (77) in the Middle School and one hundred and sixty six (166) in the Cayman Islands High School.

The total amount collected in fees is sixteen thousand, two hundred and ninety dollars ($16,290.00)

SUPPLEMENTARIES:

CAPT. MABRY S. KIRKCONNELL: *Mr. President, a supplementary, would the Member state if this includes children in school in Cayman Brac?*

HON. TRUMAN M. BODDEN: *The schools are referred to as the Cayman Islands Schools and all schools in all Islands are included.*

MR. BENSON O. EBANKS: *Supplementary, Mr. President, when the amendment to the Education Law permitting the charging of these fees was introduced it was estimated that a sum of $200,000.00 would be derived from these fees. Could the Member state why, since two terms have passed of the school year so little money has been collected?*

HON. TRUMAN M. BODDEN: *Mr. President, the answer is that upon the re-registration of pupils and the completion of a form which now goes into operation the full billing system will be in effect by the department. And that is the reason why at this time only this sum has been collected.*

MR. BENSON O. EBANKS: *Mr. President, just for the sake of clarification on the records, would the Member state more clearly that the billing system was not in place in January and March or April or whenever the second term began, but will be in place for the September term. Is that what he is really saying?*

MR. PRESIDENT: *My understanding of what he was saying was that detailed information which will double the bills to be sent to the appropriate children or their parents will be in place for the September term. It was not earlier, I do not know whether that was correct.*

HON. TRUMAN M. BODDEN: *That is correct, Mr. President.*

MR. PRESIDENT: *So I think your point is answered. If there is no further.....*

I think there is.

MR. BENSON O. EBANKS: *Yes, Sir, I have another supplementary. Could the Member state whether any children or parents of these children have made representation to the fact that they are unable to meet the fees?*

HON. TRUMAN M. BODDEN: *No one has made any representation to me whatsoever.*

MR. PRESIDENT: *If there is now no further supplementary, I will invite the Third Elected Member for George Town to ask the second of her questions in the order paper today.*

MISS ANNIE H. BODDEN, OBE, MLA, OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS.

NO. 30. Will the Member make efforts to have the Department responsible for lighthouses have the Northwest Point Lighthouse cleaned and painted?

ANSWER:
The Port Authority is responsible for the maintenance of lighthouses.

The Port Authority is aware that the Northwest Point Lighthouse needs attention. A programme has been started where materials that have deteriorated, by rusting, are being replaced by concrete.

The work had been temporarily halted, but will be resumed shortly.

MISS ANNIE H. BODDEN, OBE, MLA, OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 31. Will the Member make a statement concerning the system used in purchasing supplies for the Public Works Department?

MR. PRESIDENT: Just before the Member answers, I take it no one had a supplementary. I was giving a moment longer because the answers were being distributed. But if no one does, let us indeed move to question 31.

ANSWER:
There are two methods of authorising the purchase of supplies for the Public Works Department.

(1) Supplies to be held in unallocated stores
Supplies to be held in the unallocated stores for issue to various projects are purchased through an Invoice Order placed with a supplier locally or overseas.

(2) Supplies to be purchased directly for a project

In the case of supplies to be purchased directly for a project, Orders, in writing, may be placed directly with local or overseas suppliers by the executive level of staff in the Public Works Department, e.g., the purchase of bitumen for roadworks is usually placed by the Executive Engineer (Roads), and in the case of buildings, by the executive Quantity Surveyor or by the Stores Superintendent as instructed by the executive staff.

SUPPLEMENTARIES.

MISS ANNIE H. BODDEN: Mr. President, Sir, with your permission I should like to ask a supplementary question, and it is this. Is the Member aware that in the recent past supplies were found in the same Government container as was delivered to the compound belonging to other people not connected with the Public Works?

HON. G. HAIG BODDEN: Mr. President, I would love to answer that, because the Member asking a question which contains a statement of fact should be responsible for the accuracy of the statement, and it has been my lot in the past, to know that those who have a propensity to absorb gossip can be consumed by it.

There was an instance in May of this year, in which the wife of a person employed at Public Works ordered a door from a supplier in the States, who also supplied Public Works. And the shipper of the door made an error and shipped the door along with Public Works goods. The invoice which I have here, a copy of the invoice, bears the private box number Box 618 of the person who ordered the door. The box number for Public Works is Box No.505. The door arrived and the stores keeper immediately spotted it and the owner of the door went to Customs and paid the duties on the door, the door cost something like $25.00 first cost. The duty payable to customs, and which was paid on the 31st May, and the receipt is here $7.88. There is also a copy of the import entry form where the importer personally cleared the door, paid the duties. The door was on the same bill of lading with the Public Works order, and Public Works would normally have paid the freight on the bill of lading. The owner of the door also paid the freight to Thompson Shipping, and there is here from Thompson's Shipping, a credit note for Public Works for the freight on the door.

The system of Government's ordering of goods is as watertight as can be worked out. When goods are ordered, an order must be placed, somebody must sign the order when the goods are received, somebody must sign that they have received the goods. The Public Works is not a self-accounting department, all payments are made by Treasury, at least four or five signatures are required before Treasury pays a cheque. All of this is subject to checks by Internal Auditors. But I would say that Members have a right to question these things, but they should make an effort, and they have a responsibility under the Standing Orders, to verify the facts.

MISS ANNIE H. BODDEN: Mr. President, with your permission, Sir, I would like to make a statement. I do not indulge in gossip. If I want to prove my question, I have affidavits to that effect. I was trying to bring it to the attention of this House.

HON. G. HAIG BODDEN: Mr. President, if I am allowed a reply since it is my question, I would say that the Member bringing the question has a responsibility to verify the facts, and this is shown from the way the question is written, because the question does not mention the incident. And if I had not done some research, I would not be able to give the answer. The question simply asks about the system, it did not ask about if an error had been made and one door had been shipped by the supplier in error.

MR. PRESIDENT: I think that the point has been made. If there is no..... I am sorry.

MR. CRADDOCK EBANKS: Mr. President, one supplementary. Could the Member say if Government or at this stage the Public Works Department would have any purchasing agents in the United States?

HON. G. HAIG BODDEN: Mr. President, I am not sure of the answer to that. But I know Public Works is buying goods from the States. Most of these goods are ordered by way of a salesman coming down, sitting down with Public Works, and taking orders. On occasions when a single item is needed an order is made to a supplier by letter or by telex.

MISS ARNIE H. BODDEN: Mr. President, with your permission, Sir, I should like to ask another supplementary question, and it is this. The store-keeper who discovered this error is he still employed at the Public Works compound?

HON. G. HAIG BODDEN: I do not know which store keeper discovered the error. But the one that talked to me about it was in my office since we received this question. Mr. Lloyd Bodden, I believe, and he apparently was aware of this, he supplied me with some of this information, and as far as I know he is still employed.

MR. PRESIDENT: I think we are a little remote from the original question now, and I think I must cut that supplementary off. If there is no further supplementary, I will invite the first Member for George Town to ask the next question standing in his name in the order paper.

MR. W. NORMAN BODDEN, MBE, MLA OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 32. Will the Member state if Government is considering the development of White Hall Bay Point as a marine refuelling or similar operation?

ANSWER: BY HON. MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES.

This question was directed to the Member for Communications and Works, but it really concerns my portfolio. An application has been received for the development of Whitehall Bay Point as a marine refuelling-cruise ship landing facility.

Government is presently reviewing the proposal. Consideration is being given for the provision of such a facility to accommodate the viteraports' operators as well as local fishermen and power boat owners in general.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. If this development came about, would it be under the control of the Port Authority?

HON. JOHN McLEAN: Mr. President, no such plans have been made. I did point out in my question, the matter is presently being reviewed by Government.

MR. NORMAN BODDEN. A supplementary, Mr. President, could the Member state whether it is the intention then to eventually put this out to tender?

HON. JOHN McLEAN: Mr. President, going back to my original answer, I think we would have to wait until the matter is properly looked into before such an answer could be given.

MR. BENSON O. EBANKS: Further supplementary, Mr. President. Is the Member aware that the Port Authority does not now allow any refuelling or similar operations at the cruise ship landing pier situated at the side of the dock?

HON. JOHN McLEAN: Yes Sir, I am sure of that.

MR. BENSON O. EBANKS: In view of that statement, Mr. President, could the Member state how it would be proposed to marry the two operations at the new facility. That is to carry on the operation of a cruise ship landing facility with a refuelling facility, and water-sports and fishing and all the rest of it?

MR. PRESIDENT: I think with respect that may be a little bit hypothetical because the Member has said that the matter is being reviewed, and you are asking him what conclusion they have come to. It is plain from his original answer that no conclusion has yet been come to and perhaps the conclusion will be that it is not possible to marry the two things together.

MR. BENSON O. EBANKS: I bow to your ruling, Mr. President, but I call attention to the second part of the second paragraph of the reply.

MR. PRESIDENT: Yes, but the second part only says that consideration is being given to the matter. I think you have made your point and the Member will no doubt take it when the consideration is given.

If there is no further supplementary, I should perhaps point out that we have only got about another five minutes for questions. I will move to the next question now, and invite the second elected Member for the Lesser Islands to ask the first question standing in his name.

CAPT. MABRY S. KIRKCONNELL, MLA, OF THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 33. Will the Member state when construction of runway extension and lighting of Gerrard Smith Airport, Cayman Brac, will be completed?

ANSWER:

Construction of the extended runway at Gerrard Smith Airport, including runway lighting, was originally programmed for completion at the end of August 1992, but is now revised to be completed by the end of the year 1992.

Due to priority given to completion of the docking facilities, and the shoulders of the existing runway, and also considering the limited resources of the Public Works plant in Cayman Brac, it was necessary to revise the completion date.

Trenches have been dug and some lighting equipment placed in the trenches preparatory to installation. Levelling on the section of the extended runway, necessary to achieve 6,000 feet, has been completed.

SUPPLEMENTARY:

CAPT. MABRY KIRKCONNELL: Mr. President, a supplementary. Would the Member state if this will make the airport then capable of accommodating jets?

HON. G. HAIG BODDEN: That question, Mr. President, is beyond me.

MR. PRESIDENT: I think it does not really arise from the answer to the first question. If the Honourable Member wanted that information it should have been a specific separate question.

If there is no further supplementary, I will invite the Member to ask the next question standing in his name.

CAPT. MABRY S. KIRKCONNELL, MLA, OF THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 24. Will the Member advise of progress being made on construction of the new Bluff Road, Cayman Brac?

ANSWER:

Since March 1988, Government has been negotiating with Scott Development Company Limited of Cayman Brac on a contract for construction of the Road.

Negotiation is still in progress and construction will begin as soon as the contract is finalised. Surveying and other preparatory work has commenced.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Will the Member state how much longer will they take to negotiate the contract to work on this Bluff road?

HON. G. HAIG BODDEN: I do not know, Mr. President.

MR. PRESIDENT: I think that was soliciting an expression of opinion.

CAPT. CHARLES L. KIRKCONNELL. Mr. President, is the Member satisfied with the progress that has been made for the construction of this Bluff road?

HON. G. HAIG BODDEN: Mr. President, the position is, Government, as indicated in the answer, has been negotiating with Scott. We have reached agreement on a few points, there are other points to be ironed out, this is a contract involving quite a substantial amount of money. It is also a project that is funded by the Caribbean Development Bank, and because of these two areas, it is considered that negotiations should be unhurried. My feeling on the matter does not have anything to do with this contract, so I would not say that I am satisfied with it now.

MR. PRESIDENT: I think we must come in a moment to the end of question time according to my watch.....

CAPT. CHARLES L. KIRKCONNELL: Mr. President, under Standing Order 23, section 8, I would like to have my question postponed for a later sitting.

MR. PRESIDENT: I was just going to ask whether any Members did want to do that. I do not know whether the Second Elected Member for the Lesser Islands wants to do the same, or wants a written answer.

CAPT. MABRY KIRKCONNELL: Yes, Mr. President, I would like it asked at a later date.

MR. PRESIDENT: So that is the end of question time, and we will move to the next item of business, which is Bills.

The House will now go into committee to study four bills.

(1) THE TRAFFIC (AMENDMENT) LAW, 1982
(2) THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1982
(3) THE LIQUOR LICENSING (AMENDMENT) LAW, 1982
(4) THE FIRE BRIGADE (AMENDMENT) LAW, 1982

HOUSE IN COMMITTEE

MR. PRESIDENT: The House is now in committee.

THE TRAFFIC (AMENDMENT) LAW, 1982

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that the Title 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 10 OF LAW 16 OF 1973.

MR. CHAIRMAN: The question is that Clause 2 stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT. AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 12.

MR. CHAIRMAN: The question is that Clause 5 stand part of the Bill.

QUESTION PROPOSED:

MISS ANNIE H. BODDEN. Mr. Chairman, as I understood yesterday, there might be some amendment to this, to the effect that parts could be brought in to supply any vehicles now presently in use, and as registered. I am wondering if we intend to make that amendment or not, Sir.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, with permission, the section of the Bill, section 12 already provides that permission of the Governor in Council can be given for importation of vehicles of this sort. The same would apply to parts.

MR. CHAIRMAN: So the act at present already allows for that?

HON. MICHAEL J. BRADLEY: Yes, Sir.

MR. BENSON O. BANKS: Mr. Chairman, in my submission yesterday, I mentioned vehicles that are not now prohibited, that in my view, should be prohibited, but that because of lack of time I was unable to offer the proper legal description of these vehicles. I believe that the Fourth Elected Member of Executive Council acknowledged that he knew the vehicles I was speaking about, and I am wondering if he would not care to offer an amendment to that effect at this time?

HON. G. HAIG BODDEN. Mr. Chairman, I certainly would not care to attempt that now, because we are dealing with something that could be quite complex. There may be dozens of different manufacturers and each one of them seems to have at least one vehicle which could be termed a hazard because of its peculiar characteristics or because of its size, and I certainly would not attempt to go into it now. If it is to be done, it will have to be the substance of another amendment. But my good friend from West Bay seems to be a lot more knowledgeable in these vehicles and perhaps he will write to me on it sometime in the future.

MR. BENSON O. EBANKS: I will, Mr. Chairman, but if my memory serves me correctly, he was able to call the name of the vehicle in his reply to my submission yesterday. But I will accept that it can be the subject of a future amendment.

HON. G. HAIG BODDEN: To clarify what I said yesterday, I mentioned a particular vehicle which I thought would meet the description of the type that he wanted banned. I personally do not agree that that vehicle should be banned. But I cited that particular vehicle as being the type of vehicle that would qualify for the Member from West Bay's desire for further banning of a type of vehicle which might be undesirable.

MR. BENSON O. EBANKS: A more apt description, Mr. Chairman, would be for the better protection of road users.

MR. CHAIRMAN: I think that it is probably agreed on both sides that if any Member in future considers that for the protection of road users or for whatever other purpose, it is desirable that a particular vehicle or vehicles should be banned, he will contact the portfolio Member responsible, sending details of the vehicle concerned, or type of vehicle concerned, and consideration will be given to a further amendment to the act, but in the meanwhile we should not attempt to cover it today. I think that reflects the view of the committee.

So that is said, if there is no further Member wishing to speak, I will put the question that Clause 3 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: Clause 4. Insertion of new Section 18 (A).

MISS ANNIE H. BODDEN: Mr. Chairman, yesterday I understood the Fourth Elected Member to Executive to say that he had the picture of some bus and the size. I wonder, Sir, if he could produce that.

HON. G. HAIG BODDEN: The picture and the dimensions are hopefully in a file at the Glass House, and if you would care to adjourn, I will see if I can go up and find it. But it can be made available to the Members. It is there I hope.

MISS ANNIE H. BODDEN: Mr. Chairman, I am wondering if the size of this particular bus is any larger than the present large vehicles which now tour the roads. Would this be of the same size, or is it larger or smaller than the present large vehicles which are on the road?

In other words, would it be a menace or any worse a menace than the present large vehicles which are now on the road?

MR. CHAIRMAN: Well, I think that is bound to be a matter of opinion, is it not, whether it would be. Moreover, I am not sure that looking at a photograph or even a detailed description of a particular double-decker bus is going to be very helpful to the committee, because what the proposed clause would bar is every sort of double-decker bus, not just the sort that is in the particular picture that the portfolio Member may be able to produce.

MR. BENSON O. EBANKS: But, Mr. Chairman, the Member said he knew the dimensions, and I accept that the dimensions of various buses may vary. But there may be double-decker buses in the category that could be usefully used in the island. And if that is so, the Clause could read "The double-decker buses not exceeding a certain height or length", for example, "would be prohibited". Because I do not accept the general proposal made yesterday, that the bus would be a menace on the road, because it would be stopping at every street corner and so on. As far as I know, bus stops are designated under regulations made under the Traffic Law, and if these are enforced, the bus should not be any greater menace than existing buses. And further, I would suggest that any improvement to the public transport system might have the effect of alleviating the congestion on the roads. Because many people now operate cars solely for the purpose that they cannot get to and fro from work reliably by public transport. If they could, they may not have a car, and this may be one way of alleviating some of the congestion on our roads.

I am not in complete agreement with the amendment as it stands.

HON. WINSTON M. BODDEN: Mr. Chairman, I would just like to remind the Member that a committee to which a Bill is referred shall not discuss its general merits and principles, but only its details.

MR. CHAIRMAN: I regard this as a discussion of detail, and it really relates to one clause. I was wondering whether what the Member concerned was in effect saying, was that there might occasionally be some double-decker buses that were acceptable, but that generally double-decker buses were not a good thing. In which case the Member would presumably have been understood to be recommending that buses should be prohibited under the existing Section 12, which has an escape clause in it, to allow the Governor (which means the Governor in Council) to permit importation in a particular case. That is exactly the same as dune buggies and mini-mokes and things like that. That would be another way of dealing with the matter, I do not know.

MR. BENSON O. EBANKS: That would be one way of dealing with it, and perhaps it is probably the only way we could deal with it today since the Member has not come armed with the measurements of the bus, which he said yesterday he knew. But I would prefer, since the Governor means Governor in Council, I would prefer to see a specific height of prohibition in the law.

HON. G. HALL BODDEN: Mr. Chairman, I must correct the Member because he has made the statement twice, that I said yesterday I knew the dimensions. I did not say that. The Member from North Side, after the debate, got up and asked if I knew the dimensions, and I told him that I did not know them off hand but I had them in a file. I did not say that I knew them, and I wish he would stop repeating that.

MR. BENSON O. EBANKS: Mr. Chairman, in his contribution to the debate he said that he knew it. I agree that after he was put on the spot by the Member from North Side, he said that he had it in a file.

MR. GARSTON SMITH: Mr. Chairman, what really bothers me about this whole thing is the height of the vehicle. I speak subject to correction but I think these vehicles no matter whether they are short, the height is still there. They are made to a standard height. And I as a bus operator, I really would not want to attempt to put a double-decker bus with the situation in this island as it is now. So the Member from West Bay, he was stating about a certain height, I think there is a standard height all of these buses are made. The usual buses that we run here are standard height, so I think that the double-decker buses are the same. Now the length, I do not think would bother you very much, but it is the height that I am concerned about.

MR. BENSON O. EBANKS. Mr. Chairman, I wonder if the last speaker could enlighten us as to the height of existing buses on the roads?

MR. GARSTON SMITH: Not off hand, but.....

MR. CRADDOCK EBANKS: Mr. Chairman, I am firmly of the opinion that buses are built on standard specifications. What I mean is, that it is built at a height that usually a six foot person, and even a little bit more can walk straight through. That is in height. The width and the length are entirely different, because you have them at different seating capacities. So if you have a vehicle that a six foot person can walk straight through then added to that is another six foot, making it 12 feet to 12 foot six or up to 13 feet probably. And as I did understand yesterday that the height of this bus, (not from one of the Members in here, but I understood it on the outside) is 13 feet high. But they did not know the other two dimensions on it, but this was stressed that the height of the bus is 12 foot. So in the light of that, there must be a clearance of 14 feet to 14 feet six for this bus to operate under real hazards such as wires and trees and fencing, and all of this. Because one that travels, many of the Gymnasians in here, or all probably, have travelled in the United States. And you see most of the bridges and the sub-ways, in going over you see 14 foot 6, 14 feet 8, 15 foot heights for a vehicle to pass under. So what Government needs to really consider, if it is enough. (and I think it should be something in the low seating road hogsies), and to get this clarified whether it is possible at this stage for a vehicle in the bracket or in the height of reaching 14 to 15 feet height clearance for operation to be on the road.

That is my view of it, Sir.

MR. CHAIRMAN: My understanding is that nobody has got put a specific amendment to the clause, although various opinions have been expressed in debate, and I think perhaps it will be simplest if I now put the question.

MR. BENSON O. EBANKS: Mr. Chairman, I am wondering Sir, whether in light of what the Fourth Elected Member told us, we could not try to get the particulars from the file? This can be done by telephone.

HON. THOMAS M. BODDEN: Mr. Chairman, with all due respect, if the Honourable Third Elected Member from West Bay wishes to put an amendment, he must get his facts correct, and he must draft his amendment, and he must then comply with the standing orders. I do not think the time of this House and these 16/18 people should be wasted while there are facts which he should have gotten and done his homework quite a while back, if he wished to put this amendment.

MR. BENSON O. EBANKS. Mr. Chairman, surely it is the duty of the Member, or the Government bench to have these facts, since they are

MR. BENSON O. EBANKS (CONTINUING): putting the amendment through. They have put forward the proposition that these double-decker buses are monsters and dangerous on the road. Therefore that proposition must be based on some fact. One Member has declared those facts to be in his possession, and since they are in his file, they are peculiarly in his possession. The Member should remember that we did not have these Bills even for the seven days that we should have had them to study.

MR. CHAIRMAN: Is your point though, that if you were told the precise height of the bus, of the particular bus that the Member may have facts about, that you might as a result decide you did not wish to move any amendment to the Bill? Or do you intend to move an amendment anyway, and if so what amendment?

MR. BENSON O. EBANKS: Depending on the information which is given, I might move that this clause be deleted from the Bill, or I might propose an amendment, or I might agree with it.

HON. C. HAIG BODDEN: Mr. Chairman, the amendment is to ban all double-decker buses. The Member from West Bay is simply going on a fishing expedition, because even if he has the height of the bus, he will have to go out and measure the telephone lines, and the electricity lines, and he must do as the Second Member of Executive Council said, he must do his homework, bring his amendment, and then the House can examine it. Do not ask the House to find the amendment which he does not even know that he will put.

MR. BENSON O. EBANKS: Mr. Chairman, I do not need to go out and measure the lines. It is possible that the height which is given, is within the known tolerance now, because we had some extremely high vehicles on the road, when you consider flat beds with eight feet containers on top of them, traversing all parts of the Island. These vehicles have a total height of not less than 13/15 feet. And if the bus travel within that category, I do not think we have a problem with height.

MISS ANNIE H. BODDEN: Mr. Chairman, was this amendment made because any application has been received by Government for any importation of a double-decker bus?

HON. C. HAIG BODDEN: Do you want me to answer the question, Sir?

MR. CHAIRMAN: Well, I cannot answer it.

HON. C. HAIG BODDEN: We received a request from the Traffic Department to ban these buses, because the traffic department had been asked if a certain person could import a bus. That is correct.

MR. BENSON O. EBANKS: Mr. Chairman, I do not think it would be unreasonable to suggest that we have a break of 15 minutes at this time.

MR. CHAIRMAN. Well, I was just thinking, that it is in fact the normal time to take a break.

MR. BENSON O. EBANKS: Yes Sir, and this is what I had in mind.

MR. CHAIRMAN: I am not sure that getting the particular information you sought will really solve the issues. I think you have got to determine whether you want to make an amendment of the kind that I have suggested to you earlier, which would take care of your point. However, I will now, because it just chances to be the time when we normally do so, suggest that we might take a break for 15 minutes.

HON. G. HATO BODDEN: Mr. Chairman, can I say that if the Member wants information, he can go and get it himself. I am not going to help him.

MR. CHAIRMAN: I am not saying, but the break is for the normal purpose. What the Members, some of them may put to it I must leave to them.

MR. BENSON O. EBANKS: But, Mr. Chairman, the Member knows completely, knows quite well, that I have no right to his files.

MR. CHAIRMAN: I must leave the two Members to argue this point themselves outside the precinct of the committee. I have now suggested that we might take a break for 15 minutes, after which the committee will be resumed.

MISS ANNIE H. BODDEN: Mr. Chairman, are we not acting like school boys and a school girl? When we know what we are trying to do is for the interest of.....

MR. CHAIRMAN: I am sure you would not expect me to answer that question.

HOUSE SUSPENDED

HOUSE RESUMED IN COMMITTEE

Mr. CHAIRMAN: The House is still in committee. We will resume our consideration of Clause 4 of a Bill to amend the Traffic Law.

MR. BENSON O. EBANKS: Mr. Chairman, I request your permission, Sir, under Standing Order 52 sub-section (2) to propose an amendment to section 4 of the Bill, a Bill for a Law to amendment the Traffic Law, Law 16 of 1973 in the following manner:-

That the full stop and inverted be removed and the words "without the permission of the Governor," be added immediately after the word "Islands".

I think the Clerk would have copies, or copies of the proposed amendment are being typed.

MR. CHAIRMAN: My understanding is that copies are being run off at the moment, but if I may repeat it, the proposed amendment for which I give leave in accordance with Standing Order 52 paragraph 2, is that the full stop and the inverted comma after the word Islands in the proposed new section 12 (A), in Clause 4 of the Bill should be deleted and that the following words should be added, except with the approval of the Governor, full stop, close inverted comma.

MR. BENSON O. EBANKS: Yes Sir.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, perhaps we could make a slight typographical change, and put a hyphen between double and decker in the margine note, to make it consistent with the main text.

MR. CHAIRMAN: If the Member would be content to adopt that as part of his suggestion. Well, perhaps we had better treat them as separate suggestions.

Does any Member wish to speak on the proposed amendment or the amendment proposed by the Nine elected Member for West Bay?

HON. INUSAN K. BOGGS: Mr. Chairman, what seems obvious from the amendment proposed is that the Member, the proposer of it does not have any idea of what specific he is proposing, and he is putting an absolute discretion in the Governor in Council. Either as I see it, we are going to know what we are dealing specifically, or alternatively, we could have put a prohibition on these vehicles. And I think that the amendment is just simply too general. It shows a lack of any specific information and a lack of the Member getting that type of information which would assist with the amendment.

HON. G. HAIG BODDEN: Mr. Chairman.....

MR. BENSON O. EBANKS: Mr. Chairman, certainly the amendment proposed is not dissimilar from what exists in the existing Clause 12 in the Bill.

HON. G. HAIG BODDEN: It is, Mr. Chairman, it is definitely dissimilar. The reason why the mini-mokes can still be allowed in with the discretion of Council, is that when the Traffic Law was passed, it was felt that there might be the odd use for a mini-moke. Like for example, Mosquito Research, uses it for fogging. It is an ideal vehicle for that because it is open, the sprayer can sit on it, the driver can see the action of the fogger, and it was ideally adapted to specific uses like this and that is the reason why the discretion was put in the law to allow the mini-mokes to be imported on special dispensation from Council.

The Member proposing the amendment has not told us any reason why there should be special exemption in a few cases for the double-decker buses, and the two things are not similar.

MR. BENSON O. EBANKS: Mr. Chairman, in reply to that I would just say that if that was the intention of the law certainly the Mosquito Research and Control Unit has not made use of the provision. Because they are now using ordinary pick-up trucks for their fogging. They have adhered to the law on the ban of mini-mokes as far as I know. The reason for putting the amendment is that since the House is unable to determine whether there are double-decker buses that could be used on our roads safely, that a provision should exist for the Governor to give permission in the case where it can be proven to the satisfaction of the Traffic Department and the Governor in Council that such bus is safe to be on the road. I do not see where it is an unreasonable amendment and I do not see where it is that dissimilar from the discretion that exists in section 12, or the existing section 12.

MR. CHAIRMAN: Unless any other Member wishes to speak, I will put first the amendment proposed by the Honourable Member.

MR. BENSON O. EBANKS: Mr. Chairman, for tidiness sake, the typed copy that has been circulated uses the word 'be removed', I think 'be deleted' would be more correctly put.

MR. CHAIRMAN: I will put the amendment.

Will those in favour say "aye", those against "no". I am not to be truthful sure. Could we have a count, please. Those in favour say "aye", those against no.

I think the noes have it.

MR. BENSON O. EBANKS: Could we have a division then, Sir?

MR. CHAIRMAN: A Division.

DIVISION

AYES	NOES
Mr. Gaston Smith	Hon. D.A. Foster
Mr. Dalmain Ebanks	Hon. Michael Bradley
Mr. Benson Ebanks	Hon. Thomas Jefferson
Mr. Norman Bodden	Hon. John McLean
Miss Annie M. Bodden	Hon. Truman Bodden
Capt. Charles Kirkconnell	Hon. James Bodden
Capt. Mabry Kirkconnell	Hon. Roy Bodden
	Mr. Craddock Ebanks
7	8

MR. CHAIRMAN: "Ayes" 7, "Noes" 8.
In that case I will put the other amendment which was proposed by the Second Official Member which was simply a typographical correction.
The Clerk tells me that I do not need to put that, that that can be done without a specific amendment. In that case.....

HON. T. RUIC BODDEN: Mr. Chairman, I really did not get that typographical error. What was it?

MR. CHAIRMAN: In the side note, where it says prohibition on double-decker buses, there should be a hyphen in the middle of double-decker. To be consistent.

HON. T. RUIC BODDEN: Yes, Yes, sure.

MR. CHAIRMAN: But I am told that that can be corrected, as a typographical error, we do not need to vote on it.
Therefore I will now put the question that clause 4 stand part of the bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED WITHOUT AMENDMENT BY MAJORITY.

CLERK: CLAUSE 5 AMENDMENT OF SECTION 13.

MR. CHAIRMAN: If there is no debate, I will put the question that Clause 5 stand part of the bill.

HON. MICHAEL H. BRADLEY: Mr. Chairman, Sir, with your permission could I draw the attention of the House, in case anybody wants to refer to it, that in section 13 it is an absolute prohibition and there is no discretion on the Governor in Council. Whereas in clause 15 relating to the parts for mikes and dunes, there was a discretion. This is just for information, Sir.

MR. CHAIRMAN: Clause 5 stand part of the Bill?

MR. BENSON O. EBANKS: Mr. Chairman, I just like to make the observation that section 13 as it now stands, is an absolute prohibition on the motorcycle. So I would imagine that it is intended to be absolute on the parts as well.

MR. CHAIRMAN: Yes, I think so.
That Clause 5 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 14.

MR. CHAIRMAN: If there is no Member wishing to speak, I will put this, that Clause 6 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: A Bill for a Bill to amend the Traffic Law.

MR. CHAIRMAN: If no Member wishes to speak, I will put the question that the Title do stand part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings on a Bill entitled "A Bill for a Law to amend the Traffic Law".

We will remain in committee to consider next "A Bill for a Law to amend the Caymanian Protection Law Revised".

THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1982

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: If no Honourable Member wishes to speak, I will put the question that the short title stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. REPEAL OF SECTION 24.

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, could I propose with your permission under Section 52, sub-section (2) Standing Orders the following amendment to Clause 2 of the Bill. 'That Clause 2 of the Bill be amended by the deletion of the word 'repealed' and by the substitution therefor of the words 'amended by the deletion of the words,' 'other than persons already lawfully in gainful occupation in the Islands on the 27th of March, 1972,".'

The purpose of this proposed amendment Sir, I will explain to Members if they wish.

As the Clause 2 of the Bill stands at the moment, it is my understanding of it that by repealing the whole of section 24, that there would be no provision requiring a person of non Caymanian Status to obtain a license to be gainfully employed. It is my understanding that the intention is merely to remove the part of the section which reads 'other than persons already lawfully in gainful occupations on the Islands on 27th of March, 197%,' to the intention that if this Honourable House passes the proposed amendment and then the Clause, that the substantive part of the Law would read, "Save as otherwise provided by this Law, no person of non Caymanian Status shall be gainfully occupied in the Islands unless licensed in that behalf by the Board". And it is my understanding that that was the intention of Government.

Thank you.

MR. CHAIRMAN: First, if I may say I grant leave for that amendment to be moved, and I will invite Members to speak to the amendment if they wish.

Does any Member wish to speak?

MR. BENSON O. BANKS: Yes, Sir, Mr. Chairman, as I understand this proposed amendment, Section 2 of the Bill before us would now read 'Section 24 of the Caymanian Protection Law (Revised) in this law referred to as the principal law, is amended by the deletion of the words "other than persons already lawfully in gainful occupation on the Islands on the 27th day of March, 1972 with effect from the three months of the date of the coming into force of this Law." '.

Now I wish to be given an explanation why the stay of three months for the coming into effect of this provision if it is as urgent as Government Members made it yesterday? And secondly, since it can be effective for the next two months, since this House accepts that it must amend the Caymanian Protection Law before the 31st of December this year, consequent upon the coming into effect of the British Nationality Act on the 1st of January, 1983.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I can only think that the reason for the 3 months delay is to enable the administrative procedures to take place, so that all persons who at the moment do not require a gainful occupation license to be notified that within 3 months they will require such a license, are to enable them not only to make applications for such licenses, but until the application is considered by the Protection Board.

MISS ANNIE H. BODDEN: Mr. Chairman, I would like to ask you if this amendment will become retroactive? In other words, as I understand (if I am wrong please correct me), we had a very popular case not too long ago, and I understand that that case has now been appealed to the Jamaica Court of Appeals. If that is correct, can we actually deal with this at the present?

HON. MICHAEL J. BRADLEY: My understanding, Sir, is that once, if this amendment is passed and if the substantive clause is passed, then the effect of such passing of the amendment and the substantive clause will be that all persons will require gainful occupation licenses, who are non Caymanians, subject to the exceptions in the previous section of the substantive law.

MISS ANNIE H. BODDEN: Mr. Chairman, that is one thing that I have always said since I have been a legislator. Of course I know that I am considered by some, the dumbest human being here, which I do not think so, but I feel, Sir, that we should not make any specific law for any specific individual or firm. I feel that if we have a law, and we have made an error which it is like I named a very former legislator say before the ink dries we have to amendment it, and I cannot be a party to amend this law for any particular person.

HON. TRUMAN M. BODDEN: Mr. Chairman, it is not a question of amending a law for a specific person, it is just a matter of fact that a case in a court, unless it is a class action or derivative action, must be of a specific person. The case in any court, as the lady member knows, relates to one person, but based upon that, the court makes a declaration of what the law is, and if that declaration affects a class of the public, as it does here, namely all persons in occupation and holding permits under the 1965 law as at the 27th March, 1972, then it cannot be singled out as a law to deal with one specific person. It deals with everyone, despite the fact that the case must be tried with one plaintiff and one defendant or at least only a few plaintiffs and a few defendants.

MISS ANNIE H. BODDEN: Mr. Chairman, I know about Court House before the Honourable Second Elected Member was born. So he is not telling me one thing.

MR. BENSON O. EBANKS. Mr. Chairman, surely if this, (and I would ask the Second Official Member to address himself to this question), even if the House passes this section as amended, the appeal which has now become the subject of discussion, would not be judged on the law as amended, but on the law as it pertained on the date on which the original case was heard.

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, that contention is basically correct, but the judgement of the Court of Appeal if it so upheld the judgement of the Grand Court here, would be to say that at the time that proceedings were issued that the person, the particular plaintiff in this case, did not require to have a gainful occupation license. However, the judgement of the Court of Appeal if it were so made in that way, if it was made at a date after the enactment of this proposed legislation, would not overturn this legislation. We would have altered our law to provide that what may have happened or being held by the courts in the past, in relation to past events, that hereafter this law applies.

MR. BENSON O. EBANKS: Yes, Mr. Chairman, but in this specific case, since the court has ordered that a specific individual who has tested this case, this law, does not need a work permit, and if this is upheld in appeal, would this section then apply to that particular person.

MR. CHAIRMAN: I think what the Attorney General said was that the Court of Appeal perhaps if it agrees with the Grand Court ruling would say, that at a specific date a named individual did not require a work permit. That does not mean that the individual will never require a work permit, and if legislation, which was the effect of requiring a work permit for individuals in the category of that one person is introduced, then that one person will, at that time in future, require a work permit. I think that is what the Attorney General meant.

MR. BENSON O. EBANKS. So the Law would in substance then alter the outcome of the appeal? Even though the.....

MR. CHAIRMAN: But any law may alter.

MR. BENSON O. EBANKS: I would have thought as regards future actions, but not as regards an order of the court.

MR. CHAIRMAN: I was trying to explain the order of the court relates to a specific past date.

MR. BENSON O. EBANKS: I am subject to correction, but I thought the ruling was that the individual in question because of this clause did not need a work permit.

MR. CHAIRMAN: He did not, and does not, but he might do in the future. A Court cannot rule what laws this Assembly or the legislature shall pass in the future.

MR. BENSON O. EBANKS: Mr. Chairman, I am somewhat in sympathy with the Lady Member, but you know as I said yesterday, as far as I am concerned the victory is a hollow one anyway because of other provisions in the Caymanian Protection Law. Because of that contention, I would agree with the amendment, but I view with concern legislation that tends or will tends, but that takes away from someone a privilege which that person might have had. I want to go on record as that being my position. But during my submission yesterday, I made it clear that I did not understand the section to mean what it is said to understand in any event, and even if it does mean that, it is a hollow victory because section 33 would prohibit the individual

MR BENSON O. EBANKS (CONTINUING): from entering and remaining in the Island. So with that proviso, I will go along with the amendment. Or with that statement I will go along with the amendment, but I view with concern any legislation that seeks to take away a privilege that has been enjoyed by someone.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I would also like to go on record, that if this legislation is going to take away the rights that have already been vested, I oppose it.

HON. TRUMAN M. BODDEN: I am just wondering as I understand it, in that if one person has come in through what lets call a loop-hole in the law which the 1971 law created, then are they saying that what should now be done is because he had a good lawyer some nine, ten, twelve years later, that that person should now be separated as a specific person from the class, therefore the principle that may dealt with in the beginning is that the law should not affect one person, has now been completely reversed, and they wish to have that person exempted. They cannot have their cake and eat it. And what they often now to do is to exclude one person who had a right which he did not know existed for ten years, has now found out through the cleverness of an Attorney and the declaration of a court, which you know it is the course of the land, and we abide by it, so they wish to turn the whole thing around now and make an exemption within the law for one person. As I understand it earlier from their principle, we do not legislate for one person.

MISS ANNIE D. BODDEN: Mr. Chairman, I am here to say without fear of contradiction that this will make the third case that I personally know of, and the records will prove that legislation was made for certain individuals, and I shall not be a party to it.

MR. BENSON O. EBANKS: Mr. Chairman, for the records, I would like to make it clear that I am not speaking singularly. I was speaking generally about removing rights from persons, that I am opposed to that type of legislation, and I thought I had made it clear, that I intend to support the amendment as it stands. I just want to clear up one other thing, and that is that it was not the 1971 law that created the loop-hole, it was the revised law in 1977 that created the problem.

HON. TRUMAN M. BODDEN: Mr. Chairman, I just would like to say that once again the Member is confused between the word exhausted and the word repealed. Exhausted is when you run around the chamber and you get very tired and you stay there, and catch your breath, repealed is when somebody catches you half way around and chop your heads off, and there is quite a difference between exhausted and repealed, we have never repealed that section.

MR. BENSON O. EBANKS: Mr. Chairman, if the useful life of something has been exhausted it is dead.

MR. CHAIRMAN: I think we are getting into a slightly academic discussion here and we are not very strictly keeping to the clause in the Bill. Let us now return to that, and the motion that I wish to put, and I propose to put the question unless another Member wishes to speak, is that Clause 2 should be amended as proposed by the Honourable Second Official Member.

QUESTION PUT: AGREED. CLAUSE 2 AMENDED WAS PASSED.

CLERK: CLAUSE 3 AMENDMENT OF SECTION 31.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, with your permission in accordance with section 62, sub-section (1) of Standing Orders, I would propose the following amendment to Clause 3 of the proposed Bill.

I understand that the Clerk has a typed copy of this proposed amendment here.

MR. CHAIRMAN: I grant leave for the proposal. My understanding is that it is consequential on the amendment to which the committee has just agreed to Clause 2.

HON. MICHAEL J. BRADLEY: The proposal is that the word "repealed" in line 6 of the proposed new subsection (1A) of section 51 be deleted and the words "as amended" substituted therefor.

This, Mr. Chairman, is a consequential amendment consequent upon the passing of the previous amendment to Clause 2. It was originally proposed in the Bill that section 24 of the main law be repealed, it has now been amended.

Could I also, Mr. Chairman, Sir, point out two very minor typographical errors, that in the margin note section should have a small "s", and that in the new proposed Clause (1A), that at the last line, the brackets should be closed just before the inserted comma.

MR. CHAIRMAN: Does any Honourable Member wish to speak to the amendment? If not, I will put the question that Clause 3 of the Bill be amended as proposed by the Honourable Official Member.

QUESTION PUT: AGREED. CLAUSE 3 AS AMENDED WAS PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE CANNING PROTECTION (REVIVED)

MR. CHAIRMAN: The question is that the title stand part of the Bill.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: I think that it may be convenient if, rather to embark on another Bill now, we adjourn until 2:30. Would that commend itself to Members generally?

MR. SPEAKER O. EDWARD: I am just wondering since we are adjourning on time Mr. Chairman, and in order to hopefully complete the Business before us today, if may be 2:15 would not be convenient. I do not know whether this would put.....

MR. CHAIRMAN: I am in Members hands, and we could continue for 15 minutes more now, or we could come back at 2:15 whichever.

HON. JAMES M. BODDEN: Mr. Chairman, I would propose that we stay on until we take the other two Bills through the committee stage.

MR. CHAIRMAN: Well, we may manage to do them quite quickly. Shall we try? I sense that perhaps the committee would like to do that.

A Bill for a Law to amend the Liquor Licensing Law 1974.

THE LIQUOR LICENSING (AMENDMENT) LAW, 1982

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: If no Honourable Member wish to speak, I will put the question that the short title stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF LAW 11 OF 1974.

MR. CHAIRMAN: Does any Honourable Member wish to speak?

MR. BENSON C. EBANKS: Yes, Mr. Chairman, yesterday during the Second reading, I made the point that establishments which would now fall under the definition of Hotel, now to my knowledge hold some form of Liquor license, I do not know whether it is a hotel license or a retail license or a bottle license. It was my submission that I would hope that those places that have had these for many, many years, some of them I can recall back to at least 20 years, that the Board would see fit to grant some form of license whether it is a package, bottle or whatever, to those establishments. Or may be we could put a savings clause or grandfather clause or whatever it is called or to this, exempting those places that currently hold licences under the Liquor License Law.

HON. JAMES M. BODDEN: Mr. Chairman, I would be quite in agreement with what the Member has just said. As far as I am aware I think this would probably only affect one or two places at the present time. But with the leave of the House, I would put an amendment as follows: After the word "apartment house", 'except those issued and in existence at the coming into effect of this amendment.'.

HON. MICHAEL J. BRADLEY: With respect, Sir, I think that the present clause that we are considering is only changing the definition of hotel, that if an amendment such as the Honourable Member wishes to be included in the substantive law, it could preferably be done by an extra separate clause to this Bill, and if I felt that it is the feeling of the House that such a clause should be included, if I was given permission of the House to draft a clause, perhaps during the lunch interval, and submit it for the House's consideration after lunch.

HON. JAMES M. BODDEN: I would support that, Mr. Chairman.

MR. CHAIRMAN: I think that probably seems to commend itself to both sides of the House. In which case I think it would be best if we break off the consideration of this Bill, at this point and do after all take our adjournment now.

Would all Members prefer to come back at 2:15 or 2:30?

HON. MICHAEL J. BRADLEY: Could I, Mr. Chairman, through you enquire more exactly the mind of the House. Is it that former premises which held an Hotel License and which will not under this be entitled to hold an Hotel License, continue to hold an Hotel License, or is it a license of some other type that they should be entitled to hold thereafter, notwithstanding the quota system applicable under the Liquor Licensing Law?

HON. JAMES M. BODDEN: No, it would be in regards to the type of license that they are now holding, such as retail license, package license, I think that is about the only two licenses that would affect these places. In regards to the hotel, it would make no difference. What I think we are talking about is those places which are now under the Strata Law, and got licenses before this amendment.

HON. MICHAEL J. BRADLEY: Is it is the intention of the House that I draft one, that provides that where premises hold an hotel licenses it shall thereafter hold an hotel license.

MR. PEARSON O. EBANKS: No, no. Held a license, that to shall thereafter hold the type of license that it now holds, except it is varied by the Board at a subsequent meeting.

MR. CHAIRMAN: I think perhaps it may be simplest if we decide to have our adjournment till 2:30, because there is going to be a settlement, and if the three Honourable Members principally concerned could get together, I think they are ad idem about what needs doing, but it perhaps does need a little bit of careful drafting and a little bit of thought.

So with agreement I will adjourn the committee until 2:30.

HOUSE SUSPENDED AT 12:35 P.M.

HOUSE RESUMED AT 2:35 P.M.

MR. CHAIRMAN: Proceedings are resumed. We will continue with the discussion of Clause 2 of a Bill for a Law to Amend the Liquor Licensing Law. My understanding is that a new Clause 3 is to be proposed and Clause 2 is not therefore proposed to be amended.

HON. MICHAEL J BRADLEY: That is correct, Mr. Chairman.

MR. CHAIRMAN: Does any Honourable Member wish to speak on Clause 2? I will put the question that Clause 2 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: NEW CLAUSE 3 - Amendment of Section 5 of Law 11 of 1971.

HON. MICHAEL J BRADLEY: Mr. Chairman, Sir, I would ask for leave of you, under section 52, subsection (2) of Standing Orders, to move an amendment of less than 2 day's notice.

SUSPENSION OF STANDING ORDER 52 (2)

MR. CHAIRMAN: Granted.

HON. MICHAEL J BRADLEY: I would move an amendment to the Bill before us, Sir, to the following effect -

"That a Bill for a Law to Amend the Liquor Licensing Law, 1974, be amended by the addition immediately following Clause 2 of the following new Clause -

Amendment of section 5 of Law 11 of 1971. 3. Section 5 of the Liquor Licensing Law, 1974 is amended by the addition, immediately following subsection (11), of the following new subsection -

"(11A). Where an application is made for the renewal of an hotel licence and such licence was held by the applicant on the 12th day of July, 1982, and has since been so held, then, provided that the premises the subject of the application for the renewal of the hotel licence still contains not less than ten bedrooms, such premises shall be deemed to be an hotel for the purposes of such renewal."."

Mr. Chairman, if the Honourable Members so wish perhaps I could adduce my reasons for moving the amendment in those terms.

MR. CHAIRMAN: Does any Honourable Member wish to speak?

MISS ANNIE HULDAH WODDEN, OBE, MLA: Mr. Chairman, it appears to me, Sir, that this covers exactly what we wanted.

MR. CHAIRMAN: Then I will put the question that the Bill be amended by adding a proposed new Clause 3.

MR. CHAIRMAN (CONTINUING): I think it is necessary also to put the question that Clause 3 stand part of the Bill.

QUESTION PUT: AGREED. NEW CLAUSE 3 PASSED.

CLERK: A LAW TO AMEND THE LIQUOR LICENSING LAW, 1974.

MR. CHAIRMAN: The question is that the title stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That completes our consideration of a Bill for a Law to Amend the Liquor Licensing Law, 1974.

We have, I think, one further Bill to examine in Committee and that is a Bill for a Law to Amend the Fire Brigade Law.

THE FIRE BRIGADE (AMENDMENT) BILL, 1982

COMMITTEE THEREON

CLERK: CLAUSE 1 - Short Title.

MR. CHAIRMAN: If there is no debate, I will put the question that Clause 1 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 WAS PASSED.

CLERK: CLAUSE 2 - Substitution of new section 54 in Law 21 of 1979.

MR. CHAIRMAN: Does any Honourable Member wish to speak?

HON. MICHAEL J. BRADLEY: Purely, Mr. Chairman, if I may on a point of information, the query was raised at the Second Reading as to what other sections of Government Officers have separate rules relating to them. To the best of my knowledge, Sir, the answer is that the Police and the Prison Force also have separate power to make regulations relating to them, and this is a normal provision with regard to uniformed disciplined bodies of Civil Servants.

Thank you.

MR. CHAIRMAN: Does any other Honourable Member wish to speak?

I will put the question then that Clause 2 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 WAS PASSED.

CLERK: A LAW TO AMEND THE FIRE BRIGADE LAW.

MR. CHAIRMAN: I will put the question that the Title stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That completes our examination of all the Bills and we can now resume proceedings in the House.

THE TRAFFIC (AMENDMENT) BILL, 1982

REPORT THEREON

HON. G. HAIG BODDEN: Mr. President, I have to report that a Bill for a Law to Amend the Traffic Law (Law 16 of 1973), was considered by a Committee of the Whole House and passed without any amendment with the exception of a small typographical error which is to be corrected at the table.

MR. PRESIDENT: The Bill as amended is accordingly set down for Third Reading.

THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1982

REPORT THEREON

HON. DENNIS H. FOSTER: Mr. President, I have to report that a Bill entitled a Law to Amend the Caymanian Protection Law (Revised), was considered by a Committee of the Whole House and amended as follows -

That Clause 2 of the Bill be amended by the deletion of the word "repealed" and by the substitution therefor of the words 'amended by the deletion of the words", other than persons already lawfully in gainful occupation in the Islands on the 27th of March, 1972,".'

And, that the word "repealed" in line 6 of the proposed new subsection (1A) of section 31 be deleted and the words "as amended" substituted therefor .

MR. PRESIDENT: The Bill as amended is accordingly set down for Third Reading.

THE LIQUOR LICENSING (AMENDMENT) BILL, 1982

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, was considered by a Committee of the Whole House and passed with the addition of section 3 which has been considered by the Committee.

MR. PRESIDENT: The Bill as amended is accordingly set down for Third Reading.

THE FIRE BRIGADE (AMENDMENT) BILL, 1982

REPORT THEREON

HON. JAMES M. BODDEN: Mr. President, I have to report that a Bill for a Law to Amend the Fire Brigade Law, has been considered by a Committee of the Whole House and passed without amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE TRAFFIC (AMENDMENT) BILL, 1982

THIRD READING

CLERK: The Traffic (Amendment) Law, 1982.

HON. G. HAIG BODDEN: Mr. President, I move that a Bill entitled A Bill for a Law to Amend the Traffic Law (Law 16 of 1973), be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Traffic Law (Law 16 of 1973), be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1982

THIRD READING

CLERK: The Caymanian Protection (Amendment) Law, 1982.

HON. DENNIS H. FOSTER: Mr. President, I move that a Bill for a Law to amend the Cayman Protection Law (Revised), be given a Third Reading and passed.

MR. PRESIDENT: The motion is that a Bill for a Law to Amend the Caymanian Protection Law (Revised) be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE LIQUOR LICENSING (AMENDMENT) BILL, 1982

THIRD READING

HON. JAMES M BODDEN: Mr. President, I move that a Bill entitled A Bill for a Law to Amend the Liquor Licensing Law, 1974 (Law 11 of 1974), be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled 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 FIRE BRIGADE (AMENDMENT) BILL, 1982

THIRD READING

HON. JAMES M BODDEN: Mr. President, I move that a Bill entitled A Bill for a Law to Amend the Fire Brigade Law, be given a Third Reading and passed.

MR. PRESIDENT: The motion before the House is that a Bill entitled A Bill for a Law to Amend the Fire Brigade Law (Law 21 of 1979), be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

GOVERNMENT MOTION NO. 2

HON. JOHN B. MCLEAN: Mr. President, I beg to move Government Motion No. 2 which reads as follows:

> BE IT RESOLVED this day by the Legislative Assembly, pursuant to the powers conferred on it by subsection (2) of section 7 of the Roads Law, 1974, that -
>
> Mr Craddock Ebanks, JP, MLA
> Mr D Dalmain Ebanks, MLA
>
> be nominated members of the Assessment Committee.

Mr. President, this is a straight forward resolution appointing members to the Assessment Committee and I ask Honourable Members to give it their full support.

MR. PRESIDENT: The motion before the House is that....

.....

I'm sorry, I wonder if the Clerk can give me the precise wording? I have lost my paper with it. (Pause) My apologies. The motion before the House is -

> BE IT RESOLVED this day by the Legislative Assembly, pursuant to the powers conferred on it by subsection (2) of section 7 of the Roads Law, 1974, that -
>
> Mr Craddock Ebanks, JP, MLA
> Mr D Dalmain Ebanks, MLA
>
> be nominated members of the Assessment Committee.

Does any Honourable Member wish to speak? If not I will put the motion to the vote.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 2 PASSED

PRIVATE MEMBER'S MOTION NO. 1

CLERK: Private Member's Motion No.1.

MR. BENSON O. EBANKS: Mr. President, I beg to move Private Member's Motion No.1 which reads as follows:

> WHEREAS until about 1973 the Cayman Islands Annual Reports were printed in England and carried on its front cover and page one thereof a statement "London , Her Majesty's Stationery Office":
>
> AND WHEREAS the aforementioned statement gave credence and reliability to the contents of these publications:
>
> AND WHEREAS at least the early editions of The Cayman Islands Annual Report printed locally contained no statement which could be construed to convey that the publications were other than Official Government Publications;
>
> AND WHEREAS these publications were regarded as official and factual by prospective investors and residents to the Islands:
>
> AND WHEREAS The Cayman Islands Annual Report 1981, just released, contains on its "publisher's page" a statement "Published by the Cayman Islands News Bureau", thereby placing the publication in the same category as all other 'commercial' publications on the Cayman Islands and detracts from its authenticity and reliability;

MR. BENSON O. EBANKS (CONTINUING):

NOW THEREFORE BE IT RESOLVED THAT this Honourable Legislative Assembly request Government to take steps to ensure that in future no printing or other matter appears in The Cayman Islands Annual Report which could tend to cause the publications to appear as a commercial one;

AND BE IT FURTHER RESOLVED THAT future editions of The Cayman Islands Annual Report contains a statement that the publication is an Official Government Report.

CAPT. CHARLES L. KIRKCONNELL: *Mr. President, I beg to second the motion.*

MR. BENSON O. EBANKS: *Mr. President, the reasons for this motion and the remedy sought thereby should be clear to all Members and I trust that it will receive unanimous support when it is put to the vote. However, I think it appropriate that I elaborate somewhat on it.*

As stated in the motion, up until about 1978 the Cayman Islands Reports were printed in the United Kingdom by Her Majesty's Stationery Office on behalf of the Cayman Islands Government or the Foreign and Commonwealth Office as the agent of the Cayman Islands Government, and carried on the front covers and page one thereof a statement to that effect. That statement gave the distinct impression that these Reports were authentic, credible and reliable Official Reports, not embellished with the usual sometimes questionable and dubious statements of the ordinary commercial publications that are printed from time to time promoting the Islands as a place to visit, reside permanently or to do business in.

At the time the Cayman Islands Report began to be printed locally, the publications contained no statements which could be construed to convey the impression that they were other than Official Government publications. These publications were much sought after and used and relied on as completely factual by prospective visitors, residents and investors. Unfortunately, Mr. President, The Cayman Islands Report 1981, just released, contains on the publisher's page a statement to the effect that the Report is published by the Cayman Islands News Bureau. It is my submission, Sir, that such a statement places and relegates the Report to the same category as all other commercial publications on the Cayman Islands. Since the Cayman Islands News Bureau is not a Government department, but a commercial entity engaged in the field of public relations and marketing, it is my further submission, Sir, that this act detracts from the authenticity and reliability of the Cayman Islands Report 1981 and that it will not therefore serve the same purpose as earlier editions.

Mr. President, Sir, if Members will think back to one of the early statements made by the Resident Manager or Representative of the Cayman Islands News Bureau, or by whatever name he is known, I think it was to the Cayman Islands Chamber of Commerce that that gentleman said his function and that of his organisation as regards the Cayman Islands was to tell the good news; the bad news would find its way to the media and public soon enough through other sources.

Mr. President, such a statement will not only be remembered by Members of this House and the local public.

.....

HON. JAMES M. BODDEN: *Mr. President, I move under Standing Order 38, which is permissible under Standing Order 24(3)(viii), that this matter is too trivial to take the time of the House.*

MR. PRESIDENT: Sir, I did not hear properly. I beg your pardon.

HON. JAMES M. BODDEN: I move under Standing Order 38 that the question be now put. This is permissible under Standing Order 24(6) (vii) that the matter is too trivial to take the time of the House.

MR. PRESIDENT: 38, and what was the other?

HON. JAMES M. BODDEN: No notice is made under 24(6)(vii).

MR. PRESIDENT: No, I think it is reasonable that the Honourable Member should be allowed to continue for a while and may be one or two other Members may wish to speak too. I think it would be premature to put the question now. And on my reading of Standing Order 38 it is for me to rule whether or not the debate should continue. I think it can for a while.

MR. BENSON O. EBANKS: Thank you very much, Mr. President, Mr. President, I think I had reached the stage where I said that such a statement will not only be remembered by Members of this House and the local public because it was carried in the local press and for all I know it might have been the substance of one of the releases made by that organization to the foreign press. Be that as it may, such a statement attributed to the publisher of the Cayman Islands Report can only do damage to the image and reliability of the Report and to the image and good name of these Islands.

As regards other commercial publications on the Islands and the embellishment and irresponsibilities .....
.....

HON. TRUMAN M. BODDEN: Mr. President, I would like to take .....

MR. BENSON O. EBANKS: ... and claims .....

HON. TRUMAN M. BODDEN: .... a point of order .....

MR. PRESIDENT: A point of order?

HON. TRUMAN M. BODDEN: Yes. It appears to me that the Member is fully reading his speech and under Standing Order 32 (4) that really is not permitted, Sir. I have been looking at him for some time and I think he will admit he is reading his speech.

MR. PRESIDENT: I will watch very carefully from now on, I had not noticed him reading it.

MR. BENSON O. EBANKS: Mr. President, I would ask that you direct Members to take out their frustrations in some other fashion, Sir, other than obstructing.

That is, I said, as regards the misleading claims contained in at least some of them. I have here, Sir, the 1982 edition of the Cayman Islands Holiday Guide which carries on its cover a statement, "Official Guide of the Cayman Islands Department of Tourism - a Non-Hester publication" and with your permission, Sir, I crave your indulgence and the indulgence of Members to read a few short extracts from this book in support of my argument.

MR. BENSON O. EBANKS: (CONTINUING): Under the heading "Where to Stay - hotels, condominiums, cottages", the choice is yours. Commencing on page 32 and continuing we read "Coconplum" - ten apartments of all wood construction resembling old-time Caymanian houses located on Seven Mile Beach, and the rest of it. Under that same heading, Mr. President, other inaccuracies abound. I will not take the time of the House to go through all of these, but you can get one of these books and read it at your leisure.

Now, Mr. President, we come to the advertisements. At page 39 (Pause) .....

HON. G. HAIG BODDEN: On a point of order, Mr. President, the debate must be relevant to the motion. These publications have be is quoting has nothing to do with the Cayman Islands Report which does not carry commercial advertisements and so on. It is not relevant at all.

MR. PRESIDENT: Well, I was giving the Member a moment to develop his argument before I stopped him. It seemed to me he might be intending to argue that commercial publications contained misleading matter and that if the Annual Report could be construed to be a commercial publication, it too could be thought misleading. But I hope he gets to that argument fairly soon if it is his argument because otherwise I shall stop him.

MR. BENSON O. EBANKS: That is exactly my argument, Mr. President, and I cannot develop that unless I quote from the commercial publication. That is a part .....

MR. PRESIDENT: I think you probably made your point.

MR. BENSON O. EBANKS: I will not enumerate all of the examples I intended to give, Sir. At page 5 we have an advertisement "Poinsettia" etc, the ultimate in condominium residence nestled on the unspoilt Seven Mile Beach. Mr. President, I could use the day, but time does not permit me to point out all of the embellishments and inaccuracies in this publication. But for the records, Mr. President, and in support of my submissions, I want to state that it takes a very over-active imagination to place any of the properties I have referred to on the Seven Mile Beach as we know it and as it is sold to the public. The truth is that one would have to stretch the imagination to claim that the Seven Mile Beach starts before the development to be known as Turtle Beach Villas.

All of the properties I have mentioned are on the George Town side of that property and some of them by hundreds, if not thousands, of feet. Some of the most beautiful ironshore that man could ever care to see exists in that area.

In regard to the Poinsettia development, Mr. President, when the property on which that development is located was being sold by Government about two or three years ago, and the Lady Member from George Town tried to .....

HON. TRUMAN M. BODDEN: Mr. President, I hate to keep interrupting, but surely this is getting off the subject if he is on to sale of property of ironshore some place and he is talking about a notation printed by Her Majesty's Government on a publication. I think with respect to, I mean these interruptions, the question of relevance is now very, very clearly ..... you know ..... I think any point relating to corrections had been made many, many moons ago.

MR. PRESIDENT: I am bound to say I have been tolerant so far, but I do think that the mover of the motion is straying rather far or has more than fully developed the point that I allowed, and I hope we can get back now to the motion proper.

MR. BENSON O. EBANKS: Mr. President, I have alleged inaccuracies in the publication and I am now quoting specific facts: things that took place in this House to prove that they are inaccurate.

MR. PRESIDENT: I think you have established that other publications may be inaccurate. I do not think we need endless examples of that because essentially the motion is about the Cayman Islands 1981 Annual Report, not about other reports.

MR. BENSON O. EBANKS: Mr. President, if you are satisfied that I have made the point and Members are satisfied, Sir, I bow to your ruling. But, I hope that I do not hear one Member on the opposition or on the Government bench get up and say that I have not established my point.

As I said, Mr. President, I have taken the time to call attention to the inaccuracies in the commercial publications on the Island, and I had others to read from to prove beyond a doubt that the commercial publications on these Islands leave a lot to be desired as far as accuracy and, I suspect by now, reliability is concerned. And it is with the view of preserving the good name, integrity and prosperity of the Caymanian people and these Islands that I have brought this resolution.

I trust that Members will see the resolution as such and that they will give it full support so that we can at least say we have one official publication in the Cayman Islands which persons can read with confidence and which will enjoy credence amongst those interested in visiting, coming to reside permanently or to invest and do business in these Islands.

I thank you, Mr. President.

MR. PRESIDENT: The motion is open for debate.

HON. DENNIS H. FOSTER: Mr. President, the preparation of the Annual Report has always been the responsibility of the Government Information Officer. The responsibility for Government information was transferred to the Cayman Islands News Bureau last September, shortly before the retirement of Mrs. Miller.

The assembly and preparation of information for the Annual Report was included in this responsibility. The source of information in the Report is the Government on a Portfolio to Portfolio basis, so that everything in the Report is from a Government department.

The role of the News Bureau is merely to assemble that Government supplied information and edited for grammar and style and prepare the layout of the material for the publication. This function is the same function that was always provided by the Information Officer in the past years. Once this has been done it comes back to Government for final edit and scrutiny and we make any changes or correct any inaccuracies as the case may be. And then it is handed back and goes for a final printing. Thus the Annual Report, Sir, is an official publication of the Cayman Islands Government as it has always been. The News Bureau is merely the agent of the Government that assist in the job of assembling the Government produced factual material.

Mr. President, every page on the back has Cayman Islands Annual Report. There can be no mistake on what this book is. I trust, Sir, that on the front page, second page, it says published by the Cayman Islands News Bureau and if it is the request, or the wish, of the House I will certainly see that next year it says published by the Cayman Islands Government, if that is what it wants.

HON. DENNIS E. FOSTER: (CONTINUING): The fact is, Sir, if anybody reads it, on chapter 2 The Information Service, it tells you exactly that it is a Government production. I am afraid, Sir, I cannot agree with the mover that he cannot rely on the information in it because it has that it is published by the Cayman Islands News Bureau. The facts in there are Government facts and he can rely on it because it is our Report. It is not the News Bureau report, it is a Government Report. And I cannot agree with the mover either that..... I think we have to discount the inaccuracies or what he said about the Holiday Guide. The Holiday Guide has nothing at all to do with the Cayman Islands Annual Report it is not even published by the same people. Because one company produces inaccuracies in one publication does not mean that the Government in going to produce inaccuracies in this book. And I think we must discount that completely, Sir, the different publishers and everybody.

There is a section in the motion, Sir, "AND WHEREAS these publications were regarded as official and factual by prospective investors and residents to the Islands:", Mr. President, they can still be regarded as that. There is nothing in the world to stop them regarding it the same as they were before. Because it says on the front page that it is published by the Cayman Islands News Bureau, I do not see how this can detract from its authenticity and reliability towards it. the book is reliable, it has all the facts in it. And I repeat again, Sir, there can be no mistake with anybody reading it to know what it is, because every page has Cayman Islands Annual Report on it. But, Sir, as I said earlier on if it is the wish of the House and if it is going to cause so much stew, we will certainly see that we change the words Cayman Islands News Bureau and put in Cayman Islands Government the next time it is published.

Thank you, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support this motion, Sir. It is a very simple motion and it sets forward in very clear, concise language what we intend and what we are requesting Government to do.

We are seeking through this motion to remind the Government that they should see that the Annual Report remains a truly authentic Government publication. I disagree with the First Official Member that it is the role of the News Bureau to publish this document. I would remind him to look at his contract, schedule I, clause I - it says "prepare the Annual Report for the Cayman Islands for publication", it does not say prepare or publish the Annual Report for themselves or for the Government. We are asking that in the future that it clearly states published for the Cayman Islands Government by the Cayman Islands News Bureau.

Again, Sir, he said that the Cayman Islands News Bureau was an agent of the Government. I would remind the Honourable Member to look at the contract, clause 6 - the capacity in which the Bureau acts, and "Indemnity. Quote, "The Bureau acts as an independent contractor and not as a servant or agent of the Government". How can they be an agent when Government has a contract with them and they have stated the capacity in which they are acting. And they say that they are not the agent or servant of the Government and then we are told here again today that they are the agent of this Government? I would ask the Member to please go through his contract carefully and ensure that they stick to the terms of this contract and ensure that all future Annual Reports are clearly identified as official Government publication.

Thank you, Sir.

MISS ANNIE HILDAH SODDEN: Mr. President, I rise to support his motion. All we are asking is this in the resolve section, "AND BE IT FURTHER RESOLVED THAT future editions of The Cayman Islands Annual Report contains a statement that the publication is an Official Government Report.", that is all we are asking, Sir. And I feel, Sir, that is no little as we are entitled to because we have been told time and time again that this News Bureau is not an arm of Government and if they publish a book which says published by the Cayman Islands News Bureau, it must be assumed that they are the ones who are publishing it and publishing what they want to say.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, may I just make a very brief contribution to this debate?

Yesterday I took an oath of Allegiance on this book. It is expressed inside "to be published by the World Publishing Company of Ohio". That statement in no way detracts from the worth of what is in it, Sir.

Thank you.

HON. C. RAIG SODDEN: Mr. President, I too was disturbed by the very narrow meaning given to publish by this resolution before the House. And I took the opportunity at 3:00 o'clock this morning to consult the dictionary and I discovered that the word publish has a broad meaning and it is not only to release the publication, but also to produce the publication. And bearing that in mind the words contained on the first inside page of this publication, "published by the Cayman Islands News Bureau", are very accurate words and a very precise definition of the work done by the News Bureau.

There can be no doubt as to what has been done by the News Bureau. There can be no room for any doubts to arise in anybody's mind. The First Official Member mentioned that in the early days the Report was prepared by the Information Officer when Government had such an Officer. Since September last year, I believe, the duties of this Officer had been turned over to the News Bureau and they now carry out this work. A part of the work is to publish this Report which hitherto had really been published by the Information Officer, using the broad sense of publish to produce, to collect and put together the information from the different departments.

And if one looks at page 18 of the 1981 Annual Report, which is the subject of this resolution, one will find that these words and I crave the indulgence to read them -

"On 1 September (1981) the responsibility for the distribution of Government information was transferred to the Cayman Islands News Bureau on a contractual basis. The Bureau engaged additional staff with Government information experience to provide this service under the general direction of the Chief Secretary.".

There is another paragraph that gives the history of the News Bureau, but there can be no doubt that the News Bureau is acting as an agent, if you want to use the broad sense of agency, to publish this Report for the Cayman Islands Government. There can be no doubt in anybody's mind that this is a Cayman Islands Annual Report.

The First Official Member mentioned that on every page of this publication the words appear, "Cayman Islands Annual Report 1981". And I will go a little further to point out that this is the only time these words have ever appeared on every page. I have here (there are so many I cannot count them) many issues of this Report and in not a single one of these that has the words, "Cayman Islands Annual Report" written on it. All of them appear to have it on the outside cover. But the 1981 Report, which is now coming under fire, is the only one that has it on every page that this is the Cayman Islands

HON. C. HAIG TORDEN (CONTINUING): Annual Report. And as the mover of this motion was a Member of Government for more years than I can remember, it seems strange that he did not at that time question the fact that the words "Cayman Islands Annual Report" did not appear on that publication. So it would have to be a very strange individual who could read, but suffered from aphasia and could not understand the written word, that could believe that this is not a Government Report.

In the motion it is lamented that the words "printed in London by Her Majesty's Stationery Office", are now no longer available since the Report is not printed there. And the motion goes on to say that when these words were printed, these words gave credence and reliability to the contents of these publications. However, nothing has been brought forward to show that any credence was ever added to the Cayman Islands Report because it was printed in London. We have not heard of any testimonials, we have not seen any letters, no newspapers were quoted to say that one iota of credence was added to the Report because it was printed by a publishing house in London. The Second Official Member made a very strong point when he pointed out that the Holy Bible is printed by numerous publishing houses and every one of these Bibles carry in it "published by so and so". But this, even if it were printed by one of the publishing houses that has come into disrepute by the mover of this motion, would not detract from the luster of the words in the Holy Book, and so the fact that this does not bear "printed in London", which it can no longer bear since it is now printed this year by the Cayman Free Press, the accuracy of the Cayman Free Press has not been questioned. What has been attacked is the accuracy of some other publishing house which does not publish or did not this year publish or print this Report.

It is, as the Third Elected Member of Executive Council said, a trivial motion; a motion without real substance. The Report contains nothing else but Government statistics. It is a breakdown department by department on the activities of Government. All the information in it is passed on to the News Bureau they set it out in form suitable for printing; they do not actually compile the statistics, the statistics are compiled by the different Portfolios and passed on to the News Bureau who put them into the book.

I for one believe that more credence has been added to this publication by its new form. Since it is now printed in the Cayman Islands, printed under the close supervision of the Chief Secretary, the chances are that the data contained in it will be more factual, more up-to-date and more credible than if it were printed abroad.

To come back to the offending words, "published by the Cayman Islands News Bureau", should not disappear from this magazine - from this Report. Perhaps when the 1978 Report is printed it could bear the additional words, "published by the Cayman Islands News Bureau for the Cayman Islands Government". But none of the previous Reports carried such a note. None of them said that this is a Government Report.

If one examines, say the 1976 Report, all that it says is the Cayman Islands Report for year 1976. There is not a single line in it that says this is a Government Report. But it would have to be a fool who read this book and could not determine that this is a Report of the Cayman Islands Government because it contains nothing except the statistics, the reports of the various Government Departments. And as no Report to date has ever borne a single word to say that it is a Report of the Cayman Islands Government, and I want to know why it is now necessary. Are the readers beginning to lose their understanding of the printed page why we need to spell out that this is a Report of the Cayman Islands Government? It bears the crest, it talks about the Cayman Islands, it carries Government information. It is my opinion that there must be some other reason other than the fact that the readers do not believe it is a Government Report.

HON. G. HAIG BODDEN (CONTINUING): The resolution goes on to say the publications were regarded as official and factual by prospective investors and residents to the Islands. If this statement is true, and I believe it is true, then there was no need to bring this motion because nothing has happened to change the format or the style of this publication.

It is claimed in this resolution that the statement published by the Cayman Islands News Bureau places the publication in the same category as all other commercial publications and detracts from its authenticity and reliability. And I would seriously challenge that part of the resolution.

It is claimed that this publication is placed in a category with all other commercial publications. There is no evidence of this, there is not a single paid for advertisement, no condominium is advertised, no Seven Mile Beach; there is not a single word in this that puts it in the category with commercial publications.

Now, it is true the mover of the resolution quoted from other commercial publications, but his very act of quoting from them showed how very dissimilar this publication is from the publications he was quoting from. And if he had any doubt in his mind, I am sure that after having quoted today from the commercial publications he must know that this publication published by the Cayman Islands News Bureau for the Cayman Islands Government is not a commercial publication. I always knew this and I am glad that he has deduced this from his own line of sound reasoning today.

The resolution goes on to say that the fact that the words "published by the Cayman Islands News Bureau" appear on this Report detracts from its authenticity and its reliability. However, no attempt has been made to show how the accuracy or the authenticity of a single statistic has been altered from.

These figures which appear, some of them from the Estimates which were passed by the House, are as factually correct as the reports from which they came in the first place, and the fact that they passed through the capable hands of the News Bureau, should not in any way detract from their authenticity.

The resolution says that the old Reports, that is prior to 1981, were regarded as official and factual, and what the resolution should have said is that the 1981 Report is also regarded as factual and official because there has been no time to judge whether this Report has been accepted as factual and official by overseas investors and residents who come to the Island.

These are mere assumptions with no facts to back them up. The resolution is asking that Government take steps to ensure that in future no printing or other matter appears in the Cayman Islands Annual Report which could tend to cause the publication to appear as a commercial one. But this paragraph seems to say that the 1981 Report does not appear as a non commercial report. I imagined the only thing that the Member could have in mind could be that the Government would not accept any paid for advertisements. Personally I see no harm in accepting the advertisements so that they would bring revenue to Government. But, so far it has not been necessary. Fortunately the Government has been able, over the most recent years, to pay it and to pay well for the printing of the publication.

The resolve part in the last paragraph asks that future editions contain a statement that the publication is an Official Government Report. It seems strange that the Member who is asking that was a Member of this House from the early 1960's and never thought about such a thing. It may be that his rapport with my two colleagues here have stimulated his mind and he has now pounced upon the fact that it would be good to have the Report say that it is an Official Government Report. So far no Report, going back to the early 1960's from the time of its first printing, ever said that this was an Official Report. It was always expected that the people who would use these Reports would have enough sense to know

HON. G. HAIG BODDEN (CONTINUING): that this is an Official Government Report. I believe that the readers of these Reports have not ..... their minds have not degenerated in any manner and they are still capable of knowing that this is an Official Government Report. Just the same as the Attorney-General knows that the book published by some publishing firm in the United States is still the Holy Bible.

MR. PRESIDENT: Does any other Honourable Member wish to speak to the motion?

MR. CRADDOCK EBANKS: Mr. President, when I got a copy of that Report and as I flipped the cover over that was one of the first things that drew my attention. Regardless whether or not any other copy of the Report carried my outstanding printer or name or Government on it, it was accepted as a Government Report, and as the Bible said, give unto to Caesar the things that are Caesar's and unto God the things that are God's.

If the News Bureau feel that their name should be added to these Annual Reports, I feel that they ought to have enough respect for this Government and the people and the country to add Government's name to it as well. If they want to say published or printed by the Cayman Islands News Bureau for the Cayman Islands Government is perfectly all right with me, but I feel if they are going to claim the credit for having these printed, Government's name should be added to it and I too, Sir, would like to see that in the future.

What would happen if and when the News Bureau closes down and leaves this country?

That is my contribution to it, Sir.

MR. PRESIDENT: Does any other Honourable Member wish to speak?

Does the mover wish to ..... you do wish to exercise your right? I was wondering whether the House would wish to adjourn for a quarter of an hour and then you could reply and I think that would still finish business today.

HON. TRUMAN M. BODDEN: Mr. President, I cannot see how there can be a very long reply. Perhaps we could just hold on for the five or ten minutes and try to complete the day if that is possible?

MR. PRESIDENT: I am in the hands of the House. If most Members would prefer a short break, I am ready to .....

MR. BENSON O. EBANKS: Surely, Mr. President, the Member is anticipating me. If the last Member could spend so much time on what he considers an insignificant motion, surely I am going to need a lot more time to wind up what I consider an important one.

HON. JAMES M. BODDEN: Mr. President, there is really nothing to wind up and under Standing Order 38 I once more seek the privilege of asking for closure of debate and the vote be taken.

MR. PRESIDENT: I think the Honourable Member should be given his chance to wind up. I hope he will not take too long in doing it, but I would just ask whether most Honourable Members would welcome a quarter of an hour's recess. I think probably most Members would, yes.

I will suspend proceedings for fifteen minutes.

AT 3:50 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:00 P.M.

MR. PRESIDENT: Proceedings are resumed.

MR. BENSON O. EBANKS: Mr. President, I did not believe that a motion which was considered insignificant could have caused so much debate. But I think the length to which at least one Member of Government went, shows that the motion has credibility. I would like to thank those Members who supported the motion and took the pains to point out certain facts as regards the relationship between Government and the Cayman Islands News Bureau.

The First Official Member pointed out quite rightly that in the immediate past the Cayman Islands Annual Report was prepared by the Government Information Officer who was a Government employee, subject to Government regulations. The Cayman Islands News Bureau is not a Government organization, but acts in a contractual capacity.

If I may be permitted to refer to the Minutes of the Assembly held on the 28th and 29th of August, 1981, the First Official Member in response to questions in the House, made it plain that Government was establishing a Government communications service through a contract with the News Bureau. He went on further to explain and I quote, "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 and he will be directly responsible to me (the First Official Member).".

With regard to the reference to the Bible having an acknowledgement of the publisher on its publisher's page, Mr. President, except for the various religious organizations that might use different forms, a Bible is a Bible regardless of whom it is printed by. But that cannot be said generally in respect of other publications. I am afraid, Sir, that the term "publication" has been given its most narrow meaning and definition by Members who tried to say that it had no significance, that is that the fact that it was stated that this book was published by the Cayman Islands News Bureau.

The fact that this book has Cayman Islands Annual Report 1981 on every page, pales into insignificance because of the statement on the publisher's page, "published by the Cayman Islands News Bureau", and there is nothing in this publication to support the argument that one word or figure in this was supplied by any department of Government.

The Member said that this Report was correct in every aspect. I would like to call his attention to page 18; the photograph on page 18 - the caption "The Queen's Birthday celebration parade held in the centre of George Town.". That picture is actually the picture of the 17th CPA Regional Conference held here last year, and this is what I mean that happens when you get people who are not familiar with all aspects of Government dipping their hands into it. I would be ashamed to say that that is the extent of our celebration of the Queen's Birthday.

The fact that this publication carries on it the Cayman Islands Annual Report 1981 on every page, does nothing to enhance the official reputation of the book. The book that I quoted from that had the inaccuracies, carries on its cover "The Official Guide of the Cayman Islands Tourism Department".

I am not sure, Mr. President, and I would like to be convinced otherwise that the fact that this book carries on its publisher's page "published by the Cayman Islands News Bureau" without any reference to it being done for Government, does not create certain rights and benefits to the publisher.

I am glad that the Fourth Elected Member of Executive Council said that I was in this House for more years than he could remember. I believe it was evident from his contribution,

MR. BENSON O. EBANKS: (CONTINUING): and I only served eleven years in the House until this term. So it is no wonder that he fails to understand the importance of this motion.

The Cayman Islands Annual Report, I would venture to say Mr. President, is a requirement under the Colonial Regulations that this Government publish such a book, and whether or not it carried in the past the fact that it was an Official Government publication, it is never too late to do good or to correct errors, and further, there were not so many commercial publications with inaccuracies in them to confuse the issue prior to this, and it is my submission that it is fit and proper that future editions carry in it a statement that it is an Official publication of the Cayman Islands Government.

While it is true that the previous publications may not have carried the fact that it was an Official Government Report, the resolution does not seek to say or claim that it did. What it says is that it did not carry anything that could construe or cause the Report to be construed to be other than a Government Report. And I know from experience that this book was relied on heavily by persons who sought to visit or to reside permanently or to do business in the Cayman Islands.

Mr. President, I am not going to prolong this debate. I think the resolution is a reasonable one. It only asks that this Honourable Legislative Assembly requests Government to take steps to ensure that in future no printing or other matter appears in the Cayman Islands Annual Report which could tend to cause the publication to appear as a commercial one; and be it further resolved that future editions of the Cayman Islands Annual Report contains a statement that the publication is an Official Government Report. I think that is a reasonable request. Whether it should have been done fifteen years ago is another matter. The fact that we are asking that it be done now should not detract from the resolution and I hope that Members will see fit to support this resolution, this motion, Mr. President.

MR. PRESIDENT: The motion before the House is Private Member's Motion No. 1, 1992.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I think perhaps the ayes have it.

HON. JAMES M. BODDEN: Could you let us have a division, Mr. President?

MR. PRESIDENT: Certainly.

DIVISION

AYES	NOES
Mr. Benson O. Ebanks, MLA	Hon. Dennis H. Foster, CBE, JP
Mr. W. Norman Bodden, MBE, MLA	Hon. Michael J. Bradley, LLB
Miss Annie Huldah Bodden, OBE, MLA	Hon. Thomas C. Jefferson
Capt. Charles L. Kirkconnell, MLA	Hon. John P. McLean
Capt. Mabry S. Kirkconnell, MLA	Hon. Truman M. Bodden
Mr. Craddock Ebanks, JP, MLA	Hon. James M. Bodden
	Hon. G. Haig Bodden
	Mr. J. Garston Smith, MLA
	Mr. D. Dalmain Ebanks, MLA
6	9

MR. PRESIDENT: I was mistaken, the ayes spoke more loudly, but in fact the noes were nine to ayes six. So the motion is lost.

THE MOTION WAS DEFEATED.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House, sine die.

IT. PRESIDENT: The motion before the House is that this House be adjourned sine die.

QUESTION PUT: AGREED. AT 4:39 P.M. THE HOUSE ADJOURNED SINE DIE.

THIRD MEETING OF THE (1982) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON WEDNESDAY 15TH SEPTEMBER, 1982

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, CBE, JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS
HON. MICHAEL J. SHADDICK LLB.	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T.C. JEFFERSON	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, CIVIL AVIATION AND TRADE

ELECTED MEMBERS

MR. J. CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. D. DALMAIN 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
MP W. NORMAN 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 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 p.m. - Apologies received.

ORDERS OF THE DAY

FIRST DAY

WEDNESDAY, 15TH SEPTEMBER, 1982

1. PRAYERS BY THE REV. RALPH PICKERING.

2. REPORTS OF COMMITTEES: -

REPORTS OF FINANCE COMMITTEE - MEETINGS HELD ON 27TH JULY, 10th and 16th August, 1982, TOGETHER WITH MINORITY REPORT OF 18TH AUGUST, 1982

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, THOMAS C. JEFFERSON, FINANCIAL SECRETARY

3. QUESTIONS -

THE MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.35: Will the Member state the purchase price of the police car that went in the sea at the Airport and whether it is back in service?

NO.36: How many police cars have been damaged in the last five years and of these how many were a complete write-off?

NO.37: Will the Member state the cost of the cars that were written-off and the cost of repairs to the other cars?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.38: Will the Member state whether the police patrol boat on its surveillance is fully armed and how many occasions has it patrolled around Cayman Brac?

NO.39: Will the Member state what action Government has taken regarding the aircraft involved in a recent case where 4 Americans and a Jamaican were convicted of the importation, etc. of ganja into the Island?

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

NO.40: What is the number of persons presently employed in the Police Department, and their ranking?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO.41: Is any member of the Cayman Islands News Bureau presently registered or has ever been registered with a foreign government or any foreign government department as a foreign agent for the Cayman Islands Government? - Will the Member make a statement?

NO.42: Will the Member state under what section of the Cayman Islands Government's contract with the Cayman Islands News Bureau is the Bureau's representative in the United Kingdom employed?

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

NO.43. The Member stated shortly after the Cayman Islands News Bureau was appointed by Government that Radio Cayman would pursue its independence and there would be no interference by the News Bureau.
Will the Member make a statement concerning any change in policy?

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

NO.44: Will the Member state whether he approved the recent articles in the Cayman Times, written by The Cayman Islands News Bureau, detailing interviews conducted by them with the Third Elected Member to Executive Council?

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

NO.45: Will the Member make a statement as to the cost in the search and rescue of the Lazell family who were adrift?

No.46: What is the present total number of Civil Service staff?
(a) the number of Caymanians by birth?
(b) the number of non-Caymanians?
(c) the number with Caymanian status?

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.

NO.47: What amount was paid for the access road to the parcel of land purchased earlier this year in East End to be used in connection with a Hurricane Shelter/Civic Centre,etc?

4. GOVERNMENT BUSINESS -

BILLS -

(a) The Travel Tax (Amendment) Law, 1982 FIRST & SECOND READINGS

(b) The Misuse of Drugs (Amendment) Law, 1982 FIRST & SECOND READINGS

(c) The Strata Titles Registration (Amendment) Law, 1982 FIRST & SECOND READINGS

(d) The Public Officers Security (Repeal) Law, 1982 FIRST & SECOND READINGS

(e) The Government Savings Bank (Winding up) Law, 1982 FIRST & SECOND READINGS

(f) The Banks and Trust Companies Regulation (Amendment) Law, 1982 FIRST & SECOND READINGS

COMMITTEE THEREON

(a) The Travel Tax (Amendment) Law, 1982

(b) The Misuse of Drugs (Amendment) Law, 1982

(c) The Strata Titles Registration (Amendment) Law, 1982

(d) The Public Officers Security (Repeal) Law, 1982

(e) The Government Savings Bank (Winding Up) Law, 1982

(f) The Banks and Trust Companies Regulation (Amendment) Law, 1982

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WEDNESDAY 15TH SEPTEMBER, 1982

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 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 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

FINANCE COMMITTEE

MEETINGS HELD 27TH JULY AND 10TH AND 18TH AUGUST, 1982

HON. T. C. JEFFERSON: Mr. President, I beg to lay on the Table the Reports of Finance Committee dated 27th of July, 10th of August and 18th of August, 1982.

MR. PRESIDENT: So ordered.

HON. T. C. JEFFERSON: Mr. President, the Report of Finance Committee dated 27th of July, 1982 approved a total of supplementary expenditure of $759,400.

A detailed breakdown of this sum is as follows: $264,000 was approved as a re-vote of unspent funds from last year to complete the Port project in Cayman Brac: $10,000 was approved to defray the cost of the celebrations of the 150th Anniversary of Parliamentary Government: $2,500 was approved for travelling and subsistence for the Portfolio of Health, Education and Social Services: $176,000 was approved to provide funds for the remainder of the year to pay the cost of transportation of children to and from the High School and the Middle School: $4,000 was also approved for travelling and subsistence for the Portfolio of Agriculture, Lands and Natural Resources: $55,000 was also approved for the purchase of

HON. T. C. JEFFERSON CONTINUING: lands in Cayman Brac to provide a parking lot for the new administration building there. $25,700 provided for a British Postal Consultancy to study for the development of the new post office building. $150,00 to provide financial assistance to the Cayman turtle farm to keep the farm in operation. The loan to be repaid over ten years at 4%, and $72,200 provided to have sufficient funds for the year to meet the legal costs of our Washington Consultants who are dealing with the lifting of the ban from Cayman Turtle Farm products.

The meeting dated the 10th of August, Mr. President, approved a total supplementary expenditure of $487,664; $3,000 to provide for the photocopier which is urgently needed for the Legislative Assembly Department. $61,000 provided for the re-location of Public Works in Cayman Brac and to also construct the two storage facilities needed for cement and other materials. $75,000 as a loan to National Council of Social Services to assist in the completion of the Old Peoples Home and $348,664 as overseas medical cases. During this year, Mr. President, there have been some unusual cases which had to be referred over-seas.

The last meeting, Mr. President, dated the 18th of August dealt with Cayman Airways Limited and the approval I should indicate, in two parts: (1) funds which were previously ear-marked in March of this year $1.5 million US as deposit used for the acquiring of new aircraft and the remaining funds to be used for the training of pilots and personnel and what have you.

The second part, Mr. President, deals with the furnishing of a guarantee by Cayman Islands Government to International Leasing Finance Corporation to cover the loan of $ 12.5 million. There was, Mr. President, a vote on the latter sum of 7 for and 4 against; the four members who voted against have filed the minority report as in specimen. This ends my report, Mr. President.

MR. PRESIDENT: In accordance with Standing Order 67 (4) the House is deemed to have agreed to the provision and to the adoption of the report as set out in Orders of the Day.

QUESTIONS

THE MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

No. 35.: Will the Member state the purchase price of the police car that went in the sea at the airport and whether it is back in service?

ANSWER

The purchase price was CI$8,376.00 and the car is not yet back in service.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Could the Member say if the officer driving the car on the airport at that time if he was on official duty?

HON. D. H. FOSTER: Mr. President, I would assume so, but I really cannot be certain.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. If the airport was closed at that time of the morning how did the police car get on the airport runway by whose permission?

HON. D. H. FOSTER: Mr. President, I have just been informed that the officer was on duty at the time and I presume that he has reason to be at any part of the Island if he is on duty.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Was there a crash at the end of the runway why the car was pursuing and they could not stop when they got to the end of the airport?

HON. D. H. FOSTER: Mr. President, did the Member say was there a crash at the end of the airport?

MR. CRADDOCK EBANKS: The plane crashed, The boat crashed or some accident at the end of the runway then that the officer was pursuing and it appeared then that he could not stop when he got at the end of the airport and that is why he went in the sea.

HON. D. H. FOSTER: No, Mr. President, not to my knowledge.

MR. BENSON O. EBANKS: Supplementary, Mr. President. Would the Member state whether the car in question is under repair and if so what is the estimated cost of the repair.

HON. D. H. FOSTER: Mr. President, the Department of Government that maintains our vehicles, the Central Funding Scheme, the vehicle is there and I do not suppose we will know until it is repaired what the cost will be.

MR. CRADDOCK EBANKS: Mr. President, one further supplementary. Could the Member say if he has any knowledge as to how much longer the car will be under repair?

HON D. H. FOSTER: Mr. President, I really do not know, Sir, but I think the head of the Funding Scheme has his priorities and he deals with his repairs and so on in that form and I am sure he will endeavor his best to give it to us as soon as possible, Sir.

MR. CRADDOCK EBANKS: Mr. President, one further supplementary. Could the Member state if the police department found any difficulty with this car being off the road in the operation on their patrol through the Island?

MR. PRESIDENT: Order, Order. I am not sure that that really arises out of the original question. I think if the Honourable Member wants to pursue this particular incident further in that direction a substantive question will make it acceptable.

MR. CRADDOCK EBANKS: I accept that, Sir.

THE MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 36: How many police cars have been damaged in the last five years and of these how many were a complete write-off?

ANSWER

Eighteen vehicles damaged in the last five years, some of which were damaged more than once. It must be pointed but that the majority were damaged by the other driver's fault and not by Police negligence.

One car was a complete write-off and one may yet be assessed as a write-off.

MR. BENSON O. BRANKS: Supplementary, Mr. President. Would the Member state whether the car that might yet be assessed as a write-off is the car which was the subject of question 35?

HON. D. H. FOSTER: No, Mr. President, this one was an older car of probably four years or so and it got damaged and it might not be worth repairing.

MR. J. GARSTON SMITH: Mr. President, with your permission I would like to ask one supplementary.

Could the Member say has any compensation been made by any of the drivers of these vehicles towards the costs of repair?

MR. PRESIDENT: Order. I think the Member is anticipating a question.

No, I am sorry, I thought question 40 dealt with that point, but it does not.

Does the Member have the answer?

HON. D. H. FOSTER: Yes, Sir, compensation has been collected in cases.

MR. CRADDOCK BRANKS: Mr. President, a supplementary. Could the Member state what might have been the cost of the repairs on these 18 vehicles that were damaged?

MR. PRESIDENT: Is that question number 37 or supplementary.

HON. D. H. FOSTER: That is question 37, Sir.

MR. PRESIDENT: I thought the Member was asking it as a supplementary, but it is in fact question 37.

MR. CRADDOCK BRANKS: Mr. President, as a supplementary on 36.

MR. PRESIDENT: I think it is, it covers the substance of question 37 so if there is no further supplementary on 36 we can go to question 37 and the matter will get the answer.

THE MEMBER FOR THE NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

No. 37: Will the Member state the cost of the cars that were written-off and the cost of repairs to the other cars?

ANSWER

The one complete write-off in five years was CI$3,000.00 (Insurance paid by the other driver's Insurance Co.)

If 'probable' write-off is reported in due course, the cost will be CI$8,376.90.

Cost of repairs to police cars by the Cayman Islands Government in five years, amounts to CI$8,240.90.

MR. CRADDOCK EBANKS: Mr. President, I will make a statement. I am going to ask the First Official member for permission when my vehicles need to be repaired to get them repaired where government is getting theirs repaired for little of nothing.

MR. BENSON O EBANKS: A supplementary, Mr. President. As a supplementary on 36 I enquired whether the probable write-off mentioned was the car the subject of question 35 and I was told no, now in this answer we have a statement that if probable write-off is reported in due course, the cost will be $8,376.90 which is the identical cost given for the car under question 35, the new car that was ran off at the end of the airport. I would like to know how this can be explained.

HON. D. H. FOSTER: Mr. President, I apologise, Sir. It apparently is that but we are not sure whether it will be a write-off or not but if it is it could be that one.

MR. PRESIDENT: If there are no further supplementaries I will ask that Question 38 be asked.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 38: Will the Member state whether the police patrol boat on its surveillance is fully armed and how many occasions has it patrolled around Cayman Brac?

HON. D. H. FOSTER: Mr. President, before I give the answer so as not to give the previous Member there any false impression or anything, I would just like to say I only came back to work Monday and therefore I did not have a great deal of time to get all my facts right up and not anticipating various supplementaries there was no intention of trying to hide anything what-so-ever, Sir.

ANSWER

The Police Boats are not fully armed on all occasions, but working on the same principle as police officers are armed as and when necessary.

A police boat visited the Lesser Islands on patrol from 13th to 15th August, 1982.

MR. BENSON O. EBANKS: Supplementary, Mr. President, could the Member state whether this is the only visit paid to the Lesser Islands by the police boat and (b) how many police and other persons were aboard the boat on the occasion that it did visit.

MR. D. H. FOSTER: Mr. President, that was the first and only visit directly to the Brac, but we do patrols ranging up to 50 miles off here. On that particular trip officers of the drug squad CID took part in the operation that was carried out and other officers that were stationed in Cayman Brac.

MR. D. DALMAIN EBANKS: A supplementary, Mr. President. Will the Member explain to me what he means like " on special or when necessary or only necessary".

HON. D. H. FOSTER: Yes, Sir, when the boat is going on patrol looking for drugs or there is specific cause to believe that there is a drug boat in the area they will go armed; if they are just going on search and rescue mission or just on ordinary uniformed patrol they will not carry their full arms as such or in addition to their ordinary crew other police officers. Similarly if the police are just on boat they will have no arms but possibly if they are going on an early morning raid they might carry arms.

Mr. President, I have one request, Sir, I would ask the Members to be cautious with their supplementaries because I would not like any information to cause a breach of our security. If we divulge every-thing here publicly there is no sense of us having it and the public knows about it.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 39: Will the Member state what action Government has taken regarding the aircraft involved in a recent case where four Americans and a Jamaican were convicted of the importation, etc, of ganja into the Island?

HON. D. H. FOSTER: Perhaps we could go a little further than that last one, Sir, if any Member wants to know anything I would be glad to give it to him privately.

ANSWER: The plane, a Piper Senoca II - Registered Number N2240Z was forfeited to the Government by the Magistrates Court when the occupants were convicted of importation of ganja and other charges.

The aircraft is immobilised at Owen Roberts Airport.

MR. BENSON O. EBANKS: I have a supplementary, Mr. President. Would the Member state whether this aircraft could be used in anyway by Cayman Airways?

HON. D. H. FOSTER: Mr. President, I have not got the foggest idea about that.

CAPT. C. L. KIRKCONNELL: Mr. President, supplementary. How long will this Piper Seneca have to be grounded before the Government can take possession of it and use it?

HON. D. H. FOSTER: Mr. President, according to the law an appeal for Restoration of the aircraft by the owner can be made up to three months and I have just learned that there has been an appeal on behalf of the beneficial owner so it will remain to be seen what comes out of that appeal, Sir.

MR. PRESIDENT: If there is no further supplementary, perhaps we can proceed to the next question.

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

No. 40: What is the number of persons presently employed in the Police Department, and their ranking?

ANSWER: The total number of persons presently employed in the Police Department is 156, made up as follows:

Commissioner	1	
Deputy Commissioner	1	
Superintendent	5	+ 1 Supernumerary
Chief Inspector	1	
Inspector	11	
Sergeant	22	
Constable	114	
	155	+ 1 Supernumerary

MISS ANNIE H. DODDEN: Mr. President, with your permission, Sir, I should like to ask a supplementary question. The number of 155 is that the full amount that will be required for the staff or is it necessary to add more to this number.

HON. D. H. FOSTER: Mr. President, I have not seen the proposed 1983 estimates so I am not in a position to really know if there is any increase proposed, Sir, but I am sure when the draft estimates are prepared the Lady Member will see that.

MR. PRESIDENT: If there are no further supplementaries we can go to question 41.

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

No. 41: Is any member of the Cayman Islands News Bureau presently registered, or has ever been registered with a foreign government or any foreign government department as a foreign Agent for the Cayman Islands Government? Will the Member make a statement?

ANSWER: The Foreign Agents Regulation Act 1938 of the USA Section 1 (c) (1) (ii) requires registration of any person who engages directly or indirectly in informing, advising, or in any way representing a foreign principal in any public relations matter pertaining to political or public interests, policies or relations

ANSWER (CONTINUING): of such principal.

Currently, the Miami office of the News Bureau has the Chairman, Garth Davies, the Bureau's Vice President in charge for North America, Mr. Walton Robshaw, Press Officer Valerie Reinhold, and Mrs. Louise Gross registered with the Foreign Registration Unit of the U.S. Department of Justice.

CAPT. C. L. KIRKCONNELL: Supplementary, Mr. President. What the first Official Member just read, Sir, is US Regulations. How can he reconcile the fact that the Government's contract with the Cayman Islands News Bureau specifically states that the Bureau acts as an Independent contractor and not as a servant or agent of the Government; how can he explain this, Sir?

HON. D. E. FOSTER: Mr. President, I think this is a matter of interpretation. If I am paying a hired person, he is my servant or he is my agent or if he is carrying out a duty from which he is being paid for from me, he is hired to me. We are paying the News Bureau over there from Government funds and therefore they are doing our work on our behalf and my interpretation is that they are agents or servants or call them what you will, Sir, but the fact is that they are paid from our treasury and they are working for us and the US demands that they be registered under their regulations.

CAPT. C. L. KIRKCONNELL: Mr. President, the Cayman Islands News Bureau, Sir, is a private owned company, registered in the Cayman Islands, and I cannot see how they can register ---

HON. G. HAIG BODDEN: On a point of order, Mr. President, the Member is making a statement-------

CAPT. C. L. KIRKCONNELL: Mr. President, I have to make a statement to get around to the question.

MR. PRESIDENT: Well, as long as you get to the question quickly-------

CAPT. C. L. KIRKCONNELL: Mr. President, the Cayman Islands News Bureau is registered as a private company and it is specifically stated in the contract, as I said before, that in the contract it says that the News Bureau acts as an independent contractor and not as a servant or agent of the Government. The Chief Secretary has just said that they are an agent of the Government I cannot see this one, Sir.

MR. PRESIDENT: I have not understood your question, you made a statement.

CAPT. C. L. KIRKCONNELL: I would like to know how he reconciles this Fact, Sir, the contract says one thing and his interpretation the other.

MR. PRESIDENT: He has already answered that. You may not be satisfied with the answer but you have been given an answer.

MR. BENSON O. EBANKS: I have a supplementary, Mr. President. The section of the law quoted in the answer relates specifically to public relations matters pertaining to political or public interest policies or relations of such principal and my question is in what capacity are these people registered as foreign agents of this Government?

It is in a political capacity or how?

HON. D. H. FOSTER: Mr. President, perhaps I can enlighten both Members by reading a section of the letter from the US Department of Justice to the News Bureau in Florida. "A partner, officer, director, associate, employee an agent of a registrant who engages directly in activity in furtherance of the interest of the registrant's foreign principal is required to file a short form registration statement. This obligation, however, does not apply to an employee or agent of a registrant whose activities are rendered in a clerical, secretarial, or related or similar capacity". As long as they are representing the Cayman Islands in whatever fashion, whether we ask them to represent us in a political matter or something or to attend a show on our behalf or whether they are furthering our advertising or promotion, they are acting on our behalf. I cannot directly reconcile the difference between them being an agent or not but they are working for us they are being paid for us so automatically they fall under this category And they must register, and in my thinking, it is not a great thing to get registered and they would be falling in line with the US law which we will be happy about we would not want anybody that is being paid by us to fall out of line.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. It is still not clear to me, particularly in light of the last answer, whether the News Bureau has or might be used to represent this country politically.

HON. D. H. FOSTER: No, Mr. President.

MR. PRESIDENT: That is not a question, it is a statement.

MR. BENSON O. EBANKS: My question, Mr. President, is I am asking whether the Cayman Islands News Bureau has in the past or is intended to be used in the future to represent this territory in a political fashion in the United States.

HON. D. H. FOSTER: The answer is no, Sir.

CAPT. C. L. KIRKCONNELL: Mr. President, I am still not satisfied with the answers I have been getting. Why then do we have a contract saying one thing and these people are registering contrary to the contract which they have with Government?. How is this allowed?

MR. PRESIDENT: That supplementary has in effect already been answered. I realize you are not satisfied with the answer but an answer has been given.

If there is no further supplementary can we move now to question No. 42.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

HON. JAMES M. BODDEN: Mr. President,it has been decided that that question would come under my portfolio then I would be giving the answer.

No. 42: Will the Member state under what section of the Cayman Islands Government's contract with the Cayman Islands News Bureau is the Bureau's representative in the United Kingdom employed?

ANSWER: Under Section 1 (c) and Section 4 of the contract between the Cayman Islands News Bureau it is prescribed that

ANSWER (CONTINUING) - the News Bureau shall supply public relations and Sales publicity promotion services in the United Kingdom. The Cayman Islands News Bureau has employed a resident representative in keeping with this stipulation.

MR. PRESIDENT: I understand from the Clerk that the written answers, written copies of the answer to that question are not yet available for distribution I apologise on behalf of those responsible.

MR. BENSON O. EBANKS: In view of that, Sir, could we have the answer repeated so that we may write it down.

MR. PRESIDENT: I think its reasonable to ask the Honourable Member if he could be kind enough to repeat the answer. The written answer will be distributed later it simply is not available at the moment.

HON. JAMES M. BODDEN: Under Section 1 (c) and Section 4 of the contract between the Cayman Islands News Bureau it is prescribed that the News Bureau shall supply public relations and sales publicity promotion services in the United Kingdom. The Cayman Islands News Bureau has employed a resident representative in keeping with this stipulation.

MR. CHADDOCK EBANKS: Mr. President, can we not postpone this question until the written answers are ready and then we could---

MR. PRESIDENT: I think, with the permission of the House what I would do, is agree that supplementaries could be asked.

CAPT. C. L. KIRKCONNELL: Mr. President, I would like to ask a supplementary, Sir. He said under section 4 of the contract between the Cayman Islands News Bureau, which contract is he referring to, Sir.

HON. JAMES, M. BODDEN: The contract covering the London office I imagine.

CAPT. C. L. KIRKCONNELL: Mr. President supplementary, Sir do we have another contract with the Cayman Islands News Bureau other than the three that we now have?

HON. JAMES, M. BODDEN: Mr. President, could I have that question repeated please?

CAPT. C. L. KIRKCONNELL: Mr. President, I would like to know, Sir, if the contract he has referred to is in addition to the other three contracts which the Government, Cayman Airways, Department of Tourism have with Cayman News Bureau is there a fourth contract with them?

HON. JAMES, M. BODDEN: The answer, Mr. President, I am not aware of a fourth contract.

CAPT. C. L. KIRKCONNELL: Mr. President, I would like to have this clarified, Sir, the contract here does not say with the Cayman Islands Government, the department of Trade and Tourism or Cayman Airways I would like to get that point clear, Sir.

MR. PRESIDENT: You are asking with whom the contract is between the Cayman Islands News Bureau.

HON. JAMES. M. BODDEN: Mr. President, I am sorry that I not able to walk around with copies of all the contracts so I am at a loss to explain it. If the Member has the contract in his possession or a copy of a contract it would be useless---- -

MR. PRESIDENT: I think as the Member's question was not altogether clear to the answerer the answer you gave says under section 1 (c) and Section 4 of the contract between the Cayman Islands News Bureau, it is prescribed but it does not say between the Cayman Islands News and whom and I think he was asking is it between News Bureau and the Government or between the News Bureau and someone else.

HON. JAMES. M. BODDEN: Mr. President, I understand that there were changes made to this question that I Am not aware of And that's why I am a bit muddled myself in answering it. The only contract that it could be would be with the Cayman Islands Government and that contract has been circulated, I think, in FinanceCommittee and so forth.

MISS ANNIE M.BODDEN: Mr.President, with your permission, Sir, I should like to ask which of the three contracts has been referred to?

HON.JAMES M.BODDEN: To which three contracts is the Member alluding?

MISS ANNIE M.BODDEN: Mr.President, this answer says under section (1) (c) and section 4 of the contract - now which is the contract?

HON. D. M. FOSTER: Look at the question, the question states which contract.

CAPT. CHARLES KIRKCONNELL: Mr.President, ...

MR.PRESIDENT The question actually asks, the original question said under what section of the Cayman Islands Government contract with the News Bureau, so it must be a contract between the Government and the News Bureau.

CAPT. CHARLES KIRKCONNELL: I do not have any 1 (c) under section 4 of the contract with the Cayman Islands News Bureau, Sir. What I do have here is the First Schedule which specificially states that the three areas for which the News Bureau was employed is the United States of America, Canada and the Cayman Islands, there is no United Kingdom in this contract, Sir, I would like to know how it is possible to establish an office in the U.K. under this contract.

HON.JAMES M.BODDEN: Mr.President, if the Member has a copy of the contract there in his possession it is not necessary for me to answer it then, if it is not covered under that contract. I am assured that it is covered under that section - I do not have a copy of the contract here with me because it is not possible to walk around with every contract that Government may have with other people. If certain Members can do so I am not capable of doing that, Sir.

CAPT. CHARLES KIRKCONNELL: Mr.President, I appreciate the fact that we are not able to walk around with these contracts but certainly we have given sufficient time to have this question properly answered and researched, and one would have thought that we would have gotten a correct answer.

HON.JAMES M.BODDEN: Well, Mr.President, the Member is aware that parliamentary questions are usually prepared by the Principal Secretary in that portfolio; this answer has been given to me by my Principal Secretary of the Portfolio and I would assume that he has researched it and what has been presented to the House is in line with the contract which the Member is referring to.

CAPT. CHARLES KIRKCONNELL: Mr.President, I would like to have the assurance that we have this question properly researched and properly answered, Sir, because there is no such section as section (1) (c) of section 4 in the contract.

MR.PRESIDENT: I take a note of your point, I think that if you want to pursue the matter it will be necessary to put down another question in due to get further clarification, because there appears to be some confusion about exactly what contract has been referred to.

HON.JAMES M.BODDEN: Mr.President,allow me a minute, please Sir? I have been told by my Principal Secretary that the contract referred to under section 1 (c) states : "to offices that shall be set up" and under section 4 it is where it is dealing with the setting up of the London Office.

MR.BENSON O.EBANKS: Mr.President,I would just like to protect my interest under Standing Orders and ask that questions standing in my name, if they have not been reach by 11 o'clock that they be carried forward until tomorrow.

MR.PRESIDENT: Noted. If there are no further supplementaries to the last question, I think we could have time for one more question.

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

NO.43: The Member stated shortly after the Cayman Islands News Bureau was appointed by Government that Radio Cayman would pursue its independence and there would be no interference by the News Bureau.
Will the Member make a statement concerning any change in policy?

ANSWER: There is no change in the policy that Radio Cayman will continue to be separately responsible to the Chief Secretary and will be expected to liaise with the Cayman Islands News Bureau, while remaining autonomous in news reporting.

CAPT. CHARLES KIRKCONNELL: Supplementary,Mr.President. Is the Member aware that the News Bureau chief told Radio Cayman news staff that the Executive Council wanted all news items to be channelled through them the News Bureau?

HON.D.H. FOSTER: Mr.President, I told them myself, Sir. The position is that whatever Government information we disseminate in the country we want it to be realiable and good, to be not guessing about it, not half-way false or anything of the sort. It must be reliable information that is sent out to our people. The only way to achieve this, Sir, is if it involves a certain portfolio, let us say myself, something in the Lesser Islands, that they have might have done

HON. D. M. FOSTER (CONTINUING): a story on, it is for me to see it and to make sure that it is correct. I do not want them to say that the airport will be finished in October when it is not going to be finished until December, and similarly with other portfolios. The Members in charge of the portfolios want to make sure that news going out on the radio is factual and is correct and there is only one way to do it, is that we must see it approve it first. However, Mr.President, this does not exclude a Member of Executive Council, the portfolio having a private press conference or giving out a bit of news on his own, that is his privilege and prerogative.

CAPT. CHARLES KIRKCONNELL: Mr.President, prior to this change here I would like the Member to explain whether or not the news that was coming out from Radio Cayman was inaccurate or unreliable, prior to the News Bureau coming here, was this the case. Were they putting out incorrect information to the public?

HON. D. M. FOSTER: First of all, Mr.President, I must say that what I have said relates to Government information on the news only, if Radio Cayman picks up something else about a fire in West Bay that is none of our business, but prior to the Government information service being instituted, Sir, we had one lady that would attempt to go around or ask the Departments to send in information and we did quite a good job,bbt it was never clear. This was what was causing a lot of problems in our little Islands - we were not getting information across to the public - there was a communication gap and we have attempted with the help of the News Bureau and their capable staff to do it in a systematic, proper way, so what we are doing is what I have explained a while ago. I cannot say that it was not done properly, but it was not up to standard, prior to this, Sir.

MR.CRADDOCK EBANKS: Mr.President, a supplementary. Does it appear then that the staff of Cayman Radio is being somewhat discredited?

HON. D. M.FOSTER: No way at all, Mr.President. They are being eased that they can concentrate their efforts in other directions. If they have no problem in getting Government information - it is provided and written in the proper style for them, they can go out and seek other news.

CAPT. CHARLES KIRKCONNELL: Mr.President, in view of the present relationship with Radio Cayman and the Cayman Islands News Bureau, what would happen in the case of an emergency, say, of a hurricane? Have they got to wait on Cayman News Bureau to release a news item or are they permitted to release it on their own?

HON. D. M. FOSTER: Mr.President, that comes under me, Sir, and I will run that show like I did it before, as far as a hurricane is concerned.

MR.PRESIDENT: If there is no further supplementary I think I must declare question time to be at an end for today.

MISS ANNIE M. RODDEN: Mr.President, I would like to ask that the questions standing in my name be postponed until tomorrow.

MR.PRESIDENT: I think that both Members whose questions are unanswered have asked that they be carried over until tomorrow. So ordered.

GOVERNMENT BUSINESS

THE STRATA TITLES REGISTRATION (AMENDMENT) LAW, 1982

HON. JOHN McLEAN: Mr.President, before entering into Government Business, I seek your permission, under section 58 of Standing Orders to make a motion for the withdrawal of a Bill for a Law to Amend the Strata Titles Registration Law, 1973. The reason for this withdrawal, Mr.President, is that further amendments have been discovered by the Department and at a later sitting they will all be presented together.

QUESTION PROPOSED:

MR. BENSON O. EBANKS: Only to ask, Mr.President, that if there are not some others that they intend to withdraw.

QUESTION PUT: AGREED: BILL WITHDRAWN.

THE TRAVEL TAX (AMENDMENT) LAW, 1982

FIRST READING

CLERK: The Travel Tax (Amendment) Law, 1982.

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

SECOND READING

CLERK: The Travel Tax (Amendment) Law, 1982.

HON. THOMAS JEFFERSON: Mr.President, I beg to move the Second Reading of a Bill entitled the Travel Tax (Amendment) Law, 1982. The object of this Bill is to increase the travel tax payable in respect of every traveller in an outward bound vessel other than tourists in cruise ships from its present level of $3.20 (CI) to a new level of $4.00 (CI).

The increase of 80 cents, Mr.President, for every traveller departing the Cayman Islands from the Airports, is being put forward to provide additional revenue which will be utilised to provide the people of these Islands and visitors with a comfortable and modern new airport terminal building.

Mr. President, the present facility has served these Islands from the early 1950's first as a barracks for the Jamaican workers who were employed in the construction of the runway and for the last 30 years it has served as our terminal building, old and quaint, though it is, it has served us well.

In the last 2 to 3 years Government has incurred substantial expenditure, basically to refurbish and to repair the building to maintain a reasonable standard of comfort to local and to visitors who use it. The increase in travel tax, Mr.President, from $3.20 to $4 per person travelling by air only does not, I would suggest, create any financial burden on any traveller - it will, however, collectively provide Government with additional estimated revenue of $100,000 to $120,000 depending on the tourist traffic, which will be used, as I indicated earlier, to fund the construction of a new airport terminal building. I ask Honourable Members to support the bill.

QUESTION PROPOSED

MR. W. NORMAN BODDEN: Mr.President, I rise to support this bill for a law to amend the Travel Tax Law. I find the increase of 80 cents per passenger fair and reasonable and I agree that this should produce no hardships to anyone, and by today's standard of inflation the amount is negligible, especially in view of the fact that facilities are our airport are being improved for the convenience and comfort of our passengers, I feel that we will have no resistance or objection from them as well.

Additionally, the amount of $4 I am aware is well below the departure tax charged and applied at many airports in our area, and with those brief comments, Sir, I support this will.

MR. BENSON EBANKS: Mr.President, I have no problem in supporting this bill snce I understand the money is to be used to finance the construction of a new terminal building. I would only say that had wisdom prevailed in the early seventies that terminal could have been and would have been provided for probably a quarter of the cost of what it is costing us today, and had that been done we would not have been here having to increase the amount of travel tax, but since hindsight is better than foresight or is sometimes more accurate, I will support it if it means that we are going to get the airport terminal.

MISS ANNIE H.BODDEN: Mr.President, I rise to support this, but I would like to ask that the amount be collected and ear-marked specifically for this purpose and not used for any other thing regardless of what it might be.

HON. G. HAIG BODDEN: Mr.President, I support the bill and would like to say that the Member from West Bay who supported the bill need not feel any regret over having not been able to build the terminal in the early seventies. I am aware that the Government of which he was a part did put forward a plan to build a terminal in the early seventies. In fact, it was a part of a package which would have built the dock, the asphalt roads and the terminal. If I remember correctly, that package, the first loan would have been in the vicinity of $5M and this would have covered the three projects. However, the Government of which he was a part, did not go ahead with the terminal instead they built the roads and the dock and long before those two projects were completed the bill which had come forward for the loan of $5M was brought back to the House and amended so that the loan could be $8M and of course, we know the $8M did not even complete the dock and the roads. So he should not feel any regret today that he was unable or the Government of which he was a part, was unable to build a terminal back in the early seventies.

I agree it would have been a good thing if the terminal could have been built then, but everyone knows the position of the Government, particularly when we reached the mid-seventies and particularly during the years 1975 and 1976.

MR.BENSON EBANKS: You did not support the building of the terminal when it was proposed.

HON. G. HAIG BODDEN: Mr.President, I would prefer if I am not interrupted, but I will say that I did not, at that time, support the bill as a member of the opposition and I think subsequent events have proven that I was absolutely correct. The reason for not supporting

HON. G. CRAIG HODGSON (CONTINUING): the bill, Mr.President, was that at that time Government had borrowed beyond its capacity to repay, had not there been a change in the policies of Government to engender some development and to bring some development into this country which would produce revenue.

In 1976 the debt which the Government had incurred was costing something in excess of 10% of the local revenue to serve the debt and we had reached a very serious position in that Government was borrowing, and had borrowed amounts that had conditions remained the same, they would not be able to repay, and so it was very prudent that some of these huge projects be shelved until such time as the Government would be able to borrow money and be able to service the debt which the borrowing would require to be serviced.

We have reached the stage today At the present time, where the borrowed money, the actual debts outstanding are probably less than they were in 1976 and we have reached the stage where the recurrent revenue is probably five times, I believe more than five times what it was in 1976. So we have come a long way in servicing debts which have been incurred by the Government, also Members will recall that one of the reasons for not going ahead with this project was not only that this Government did not have the recurrent revenue but Government also had no reserves. The reserves had been spent and in 1976 the Government was practically bankrupt and I believe this was the reason for the sweeping change in the Government which occurred on that day in November, 1976. So today, talking about financing a new terminal is a sensible project, Government has the ability at the present time to finance the debt., In fact, Government is in a position to where most of the capital costs can even be met from recurrent revenue without too much long-term borrowing.

In this year of 1982 Government will spend about $10M on capital projects, financed from local revenue. In 1976 the Government could not balance its budget, much less think About financing capital projects, so there has been a whole change in the Government since 1976 and I feel that the Member should not regret the fact that he was unable to finance the terminal, which, if he had been able to do it, would have cost substantially less than it will today. Of course, it would have been six years old and probably needed replacing or enlarging again, so he should not have any remorse of conscience about not having been able to carry through this project. I think the Government of the early seventies did a pretty good job with the resources they had, their only failing was that they did not try to improve the resources, the resources which they had were perhaps spent to provide some of the projects we now enjoy. But their whole problem was with their attitude towards investors and towards the economy of the Island which would bring into the revenue or into the treasury the revenue which we need if we are to service these huge capital debts.

Now the $100,000 and odd which will be collected by the increase in this tax will help to finance the debt. It will be useful in financing the yearly repayments which are to be made on this loan. The other projects which were carried forward at that time were decided upon by Government to have greater priority at that time and perhaps this was so - we had an airport, we had a terminal, we needed roads within the islands, the administration building had burnt down and had to be replaced, the dock was needed and so it was only reasonable that the Government did see with the opposition, and although they had the strength at that time to carry forward the projects had they so wanted if it was good that they could listen to reasoning and so delay that project. And today I believe the Caribbean Development Bank, which would have put up some

HON.G.HAIG BODDEN (CONTINUING) money in 1976 if a terminal had been built, is still willing and ready to make a contribution even if it is a smaller percentage of the total capital project, so I can support this bill and any other measure that may be needed in order to make the construction of a new terminal a viable project.

CAPT. MARRY KIRKCONNELL: Mr.President, I rise in support of this motion. I feel that the modest increase will bring it in line with the rates charged in other Caribbean territories and I sincerely hope that this will also be applied to the construction of a new terminal in Cayman Brac. Thank you, Sir.

MR.PRESIDENT: If no other Member wishes to speak I will ask the Mover whether he wishes to exercise his right of reply.

HON. THOMAS JEFFERSON: Mr.President, I would only sum up by saying that many thanks to Members for supporting the bill and to the Member from Cayman Brac - the terminal building in Cayman Brac is also under consideration and funds will be provided for it in due course.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR.PRESIDENT: I think it may be a convenient moment to suspend proceedings for 15 minutes or so. Before I do so, I would like to ask the House's agreement to my making two brief announcements. The first is that if it were convenient to Members I would like to suggest that this afternoon, instead of resuming at 2.30 which I think is our normal practice, that we might meet privately in the Committee Room for, perhaps, half an hour, at 2.30. There is a subject about which I would like to speak informally and in private to Members and then resume the proceedings of the House at 3 o'clock, if that were convenient. Secondly, my understanding is that it has been the hope of the Financial Secretary that we can arrange a meeting of the Finance Committee and, with your permission, I would propose that that be fixed for tomorrow afternoon, so that tomorrow morning we can carry on with our business in the usual way. Tomorrow afternoon Finance Committee would meet; if we were not successful in completing our business tomorrow, then we could continue on Friday.

I do not think I need ask for motions or anything like that, I thought I would just explain to Members what was in mind, both about this afternoon and about Finance Committee.

Now I will suspend proceedings for 15 minutes.

AT 11.25 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.45a.m.

THE MISUSE OF DRUGS (AMENDMENT) LAW, 1992

FIRST READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) LAW, 1992

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

SECOND READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) LAW, 1992

HON.MICHAEL BRADLEY: Mr.President,Sir, I beg to move the Second Reading of a Bill entitled A bill for a Law to Amend the Misuse of Drugs Law, Law No.13 of 1973.

Mr.President, Sir, the main law which it is sought to amend, the Misuse of Drugs Law, was first passed by this Assembly some 9 years ago in 1973. Since then there have been 2 amending laws passed to it; one in 1977 and one in 1978, and it is proposed that the present bill be the third amendment to the principal Law.

In my experience, Mr.President, Sir, laws which brought in by Legislative Assemblies are either perfect and remain perfect for all times, in which case there is no need for amendment to them, or they have to be amended from time to time to reflect the differing needs of the societies in which they are introduced and this, Mr.President, Sir, is the rationale behind the introduction of the present amending bill.

There are, in the bill, Sir, only five clauses. These clauses do make substantial alterations to the main law. The proposed amendments can be divided into three different classes: 1 relating to evidence, 1 relating to penalties and 1 relating to the right of innocent owners of vehicles.

If I may very briefly, deal with the three different types of amendments which are proposed in this law. By clause 2 of the bill it is proposed to amend the law relating to the admission of evidence by way of certificate as to the content of a substance which is classified or suspected to be classified in the bill. It has been found that there are certain technical and legal and evidential difficulties in the proofs required and there has been, in one particular case, obiter dicta by our Court of Appeal when it sat in Jamaica concerning a particular wording. As a result of this, I have sought to redraft the particular clause so as to make it absolutely clear that when a certificate is prepared and signed and presented in evidence by the prosecution in a case, that that certificate shall be accepted in evidence both as having been made by the person who was purported to make it, and as to the contents therein.

There is, however, introduced, further saving provision that notice must be given to the other side of the certificates, notice to produce it and of a copy and the residual power which I feel the Court to have, to require, whenever it considers necessary advisable the attendance of such person. That, Mr.President, Sir, is one purpose of this bill.

The second purpose of the bill is, to increase substantially the fines which the Court hearing the cases that are dealt with under this bill, may impose, and it can be seen by Honourable Members that there is right across the board proposed substantial increases both in the maximum fines and imprisonment imposable and also in relation to certain offences where it is proposed that the Court have a duty to impose a statutory minium period of imprisonment. There is certain power at the moment, it is proposed to increase those powers.

I have, and the Government has, in the preparation of this bill, sought to spell out, in as much detail as possible for Members, by the repeal completely of Table H and the replacement by the proposed Table contained in Clause 5 so that Honourable Members of this House may, by comparing the law as it is as the moment, which was contained in the Second Schedule to the 1977 amendment law with the present proposed new Table to see what the differences are, item by item in relation to drugs that are classified

HON.MICHAEL BRADLEY (CONTINUING): as hard drugs.

The third object of this bill, Sir, is to make much more burdensome, the burden of proof which a person who is the owner of a vessel,(and a vessel, Sir, includes any form of vehicular transportation under the Law), when the owner of such vessel has been aware that there has been a court order forfeiting such vessel under the provisions of the present law, to enable him to apply to the Court to have the vessel returned to him. At present the law provides that the owner of the vessel may, at any time within three months, apply to the Court who made the order, for such vessel to be returned and also provides that the Court may make such an order if it is satisfied that the owner, legal owner and beneficial owner, did not know the purposes for which the vessel was being used at the time of forfeiture.

There is, Sir, I think, too much room for owners of vessels , under the present law, to claim that they knew nothing about what was happening and to make a successful application. The purpose of this amendment which is contained in clause 4 of the bill and amends section 14 of the principal law, is first to shorten the period in which the owner may apply from the period of three months at present to seven days, secondly, to give two days notice to the Attorney-General so that he is aware that such an application is being made and may consider whether there should be any intervention by him, as amicus curiae, and, thirdly to strictly curtail the powers of the Court as to the circumstances in which the vessel may be restored to the owner. It is a practice in some other jurisdictions where drug offences and the use of vessels for drug offences are rampant, that the devices used whereby the owner of the vessel makes sure that it is heavily mortgaged to a bank or a finance company, lent it to another party, and it is the other party who is the person in charge of the vessel at the time that it is seized in connection with a drug offence.

It is hoped that this Honourable House will consider favourably this clause of the bill and see fit to pass it. However, Mr.President, Sir, in view of the large number of changes that are being made to this bill, and in view of the increases in penalties, I consider that this is a fit and proper bill that the procedure under Standing Orders be invoked whereby it should be committed to a Select Committee of the House,and I would like to tell Honourable Members at this stage, Mr.President, Sir, that if this House sees fit to give this bill a second reading, that I would propose immediately thereafter a motion under Standing Orders that the bill be referred to a Select Committee of the Whole House and that the Elected Members of the House, and that the Second Official Member, be appointed as Members of that Select Committee.

Mr.President, Sir, with that I commend this bill to the Honourable Members.

MR.PRESIDENT: The question is that a bill entitled a Bill for a Law to amend the Misuse of Drugs Law be given a Second Reading. The motion is now open for debate.

MR. J.GARSTON SMITH: Mr.President, I rise to oppose this amendment, but I want also to make it abundantly clear here today that I am opposed to drugs. I oppose this amendment, Sir, because I feel that this is really not the answer to our problems. As I see it, Sir, we could put the penalties to 40 years imprisonment and we would get the same results, the poor man on the streets with a half a gram of ganja would have to serve that time in cael and pay these large penalties and the big man, as we call him, would go scot-free.

MR. J. CARSTON SMITH (CONTINUING): Mr. President, I think the laws that we have on the books today are quite harsh enough and should remain as is. I do not intend to say too much on this amendment, but with those few remarks I will leave what else I have to say when we get to committee stage.

I thank you very much, Sir.

MR. W. NORMAN BODDEN: Mr. President, in considering the Bill now before this Honourable House I must state my concern mainly over the proposed amendment of sub-section (1) of section 12.

If my interpretation is correct this section of the principal law as it presently stands sets a maximum fine or a maximum prison term, or both, as a penalty for an offence under this law. Whereas the portion of the Bill now before us that seeks to substitute this section specifically stipulates the fine of $5,000 and sets the prison term of five years and then of course goes on to deal with second or subsequent offenders.

I do not disagree with increasing the maximum fines and maximum prison term in certain cases. However, in my opinion this amendment would make imprisonment mandatory under this section and removes any discretionary power whatsoever which causes me considerable concern especially in the case of first offenders. I am dealing here mainly with first offenders as I have little sympathy for those who choose to continuously do wrong. Anyone can make a mistake the first time or be misled, but as far as I am concerned that must be used as useful experience not to be repeated; otherwise it becomes carelessness, worthlessness or as far as I am concerned an outright flaunting of the law.

Let me make it abundantly clear here and now that I am by no means advocating encouraging nor promoting this. I, as well as anyone else, fully recognize that we have a drug problem in these Islands - a growing cancerous problem that cannot and must not be ignored nor treated lightly. I know and I fully appreciate that a strong stand has to be taken to combat and discourage drug abuse and distribution. However, I do not believe that taking a first-time offender and locking him or her away in prison is a solution to the problem. It is easy enough to sit back and say let us double the fines, let us double the prison term and while I agree that this is a deterrent, is it really the solution. These are questions that must be answered truthfully and factually.

HON. MICHAEL J. BRADLEY: Mr. President, if I may in accordance with Standing Order 34 on a point of information if the Member wishes to give way. I fear that perhaps Honourable Members may have quite unintentionally been misled by the wording of the proposed amendments.

In the law as it stands at the moment, not only in this Bill but in a number of other laws the wording in relation to a penalty is spelt out by saying "shall be liable to a fine not exceeding" so many dollars "or to a term of imprisonment" not exceeding so many months, or to both. What I have done, Sir, in drafting this Bill is attempting to shorten and to minimise the language of the statute, but the operative words that a person on conviction shall be liable to a fine of so many dollars and to imprisonment for so many months. This is a liability to the penalty; the Court therefore may impose a fine or it may impose, if it thinks fit, imprisonment or it may impose both a fine and imprisonment. It is merely trying to shorten and modernise the words of the statute which formerly said it could do A or it could do B or it could do A and B. There is no intention and it would not be the effect of this law to provide that where it says "shall be liable to a fine of $5,000 and to imprisonment for five years" in any way to impose upon the Court

HON. MICHAEL J. BRADLEY (CONTINUING): under this section 12, if amended to this matter such mandatory imprisonment. I hope this has made the point.

MR. W. NORMAN BOURDE: So I understand it then, Mr. President, that the substitution to a fine of $5,000 and to imprisonment for five years if so amended and becomes law that the discretionary power in the Court rening?

HON. MICHAEL J. BRADLEY: Yes, Mr. President.

MR. CRADDOCK FRANKS: Mr. President, this is only one of our many laws that needs to be brought up into a changing world, a changing country, a changing way of life and it is necessary that the laws be changed and amended and brought up to meet the demands and requirements of the country.

I, Mr. President, feel that what the Honourable Second Official Member talked on is the only solution or right direction to go into Select Committee of the whole House I would say and it given .....

MR. BENSON O. EVANS: Mr. President, on a point of order, Sir, I do not think the First Elected Member from George Town has finished his deliberation. He merely gave way to the Honourable Second Official Member for .....

MR. PRESIDENT: I understand he was, he sat down and I would not have allowed the Member from North Side to proceed. Was I mistaken?

MR. CRADDOCK EVANS: Mr. President, I kept looking at the Member and he did not attempt to preamt himself again so I just took the opportunity .....

MR. PRESIDENT: That was my understanding too. I did not mean to be discourteous to you and cut you off, I thought you had finished.

MR. CRADDOCK FRANKS: I apologise if I cut off another Elected Member .....

MR. PRESIDENT: Would you like to make sure if the Member has not finished and we were both mistaken?

MR. W. NORMAN BOURDE: Mr. President, I am sure about that, Sir, but I had not completed. Because of the explanation that was given I was just considering my next step after that, Sir. So I apologise for not being quicker on my feet than the Member from North Side, but I will try to do better next time.

In continuing, Sir, I agree that punishment is necessary, but it should be tempered with mercy in the case of first offenders. It was once said that the law is the protector of the weak and it is true that the strong in character, the strong in principal and the strong in mind seldom run foul of the law.

I support the position that adequate provisions must be maintained to deal with offenders, that hefty fines and severe punishment be metered out especially to pushers, the dealers, and thirdly with the increase in penalties based on different quantities. Nevertheless, I am of the firm opinion that what we need to concentrate on is less legislation and more rehabilitation and educational programmes.

MR. W. NORMAN ROUDEN (CONTINUING): These are the ingredients, Mr. President, that will build a better Guyana and produce stalwart citizens for tomorrow out of the weaklings of today. Lest I be misunderstood let me make it clear that I am not referring to a one-shot deal, nor the occasional lecture, but a serious concentrated continuous and full fledged campaign should be launched throughout this country to help and educate, especially, our young people.

It is true that this is difficult and we may not reach nor redeem them all because not all of them will respond, but whatever percentage is saved will be a sound investment in our future. This I sincerely believe are some of the measures that are needed and that will ultimately prove the most effective. It takes time, money, dedication and results may not be immediately evident, but let us place at least some of our efforts in this direction.

I have no difficulty with the other objects of the Bill relating to the forfeiture of vessels and evidence of certificates. I do however find the minimum penalties proposed under sub-sections (2), (3) and (4) high and believe that in some case them could be more realistic and I also, in concluding would like to give my thanks to the Honourable Attorney-General for his explanations and in that area I feel more satisfied in supporting the other sections of the Bill that I have mentioned and that had caused me some concern.

Thank you very much Mr. President.

MR. PRAYAG RAMPHAL: Mr. President, again I apologize for interrupting the Member's trend of thought, but as I said I thought he had finished.

In remaining few brief remarks as I said I feel that we ought go into Select Committee of the whole House to deal with this so that we can unravel every avenue of our thinking in connection with this proposed amendment and so that Members can better see and understand how essential it may be and whether it should be amended and passed in some other ways in penalties and punishment or perhaps the Committee may well agree that it might not bring this forward at all. So I feel, Mr. President, that the right step to take dealing with a major amendment proposed affecting a lot of our young people, we need to be extremely careful and thoughtful in going into this to see that we can reach a stage that will do as little harm and hurt as possible and a multitude of good. So I support the proposal by the Honourable Second Official Member that it go to a Select Committee of the whole House to deal with this.

Thank you.

MISS ADDIE HULDAH ROUDEN: Mr. President, I feel that we must do something about this drug traffic and the people that I would like to see punished and severely punished are those who never seem to be brought under the law. I feel that these people who push the trade, the wholesalers of drugs, should be punished and punished mighty severely.

Last year or the year before that we had two very outstanding cases; a boat at North Side called the Catalina and I am very sure that case was most improperly handled by the police because they had on board, as I understand it, eight or ten bales of ganga. Some of it was brought before and the evidence in the Court was that somehow an officer in the Police Department had raked us of his fingers. That was the evidence before the Court and I am very certain there was a miscarriage of British justice that that was not more properly aired before the Court.

The second instance was a vessel called the Dreamer's Dream at Parkers or somewhere. The same thing happened

MISS ANNIE HULDAH BODDEN (CONTINUING): The real evidence was never produced in Court and they got away scot free. Further, there was a report in Miami the week before a case was to be heard which stated there were big men involved in the case and they would go free. And the same thing happened. So I feel, Mr. President, in dealing with this problem that we must get to the root of it and those who are responsible for importing ganga into this Island and cocaine and all the rest of it are the people to be severely punished.

Now these first offenders.. I cannot say I have any sympathy with drug dealers and users. I do not even see the sense in smoking an ordinary cigarette. But, it is a habit that most people seem to acquire and most of all I think it is most disgusting to see ladies on the street or at social gatherings with a cigarette in their mouths. I think it is a disgrace. Regardless, I am sure if I insult the ladies, maybe if I were to run in the next election they would hold that against me saying that I want to stop cigarette smoking. But that does not matter, that is how I feel about it. I feel that if you smoke a cigarette it could be that if you were offered a cigarette with a drug in it you might not even know. So to avoid things happening like that I think it is better that ladies, especially, stop this smoking habit. Of course I cannot convince them that they are wrong if they do not believe it, but we must do everything possible to prevent trouble.

Now coming back to these pushers, those who come and inveigle little young boys, little teenagers to sell it I think if you gave them a life time it would not be too harsh a sentence. But the first offenders are these poor little innocent children who sometimes need a dollar who are possibly approached by these pushers and asked to sell these cigarettes, or whatever they have it in, because they will get some money for it. And when they are caught with it, it could only be a stick, they go to prison. That would be most unfair. Their whole life could be blighted by that single little mistake. So I feel, Sir, that in dealing with this law we must have some understanding as to the reaction it will have on our youth, but I agree and I feel that we should do everything possible to stamp this out.

The seizing of ships, I quite agree with the Honourable Second Official Member that the time period should be shortened. If you give them three months they can hatch up. They have money to pay and get all kinds of false evidence which we might not be able to prove is false and the Court will have to accept it and by that means they can escape. Let us put the heavy fines on the importers and the vessel owners and we might be able to eliminate to an extent this terrible traffic which has taken place in our Island.

Thank you.

MR. D. DALMAIN EBANKS: Mr. President, we do have a serious problem with drugs and I for one want to support any Law that can be brought in or introduced to try to eradicate such as these that we have here, but I must support an increase in penalties. I think that our penalty as now is rigid enough. What needs to be done is to carry out the work catching these people who are bringing in these drugs to the Island.

The little boy on the street with a cigarette or even the little ones that he is planning to push, I am in sympathy with him, Sir.

If some law can be introduced to punish or to be able to catch those big ones, I will support that, Sir, but to increase especially when it comes to thirty years for a young man, life will be ruined. It may be a man with a family, you can never tell. I feel we should take a look into these things first before we think about increasing the charges. The other part of the Law I will go along with, but I cannot support sentencing.

Thank you.

MR. BENSON O. FRANKS: Mr. President, I am sure that the Fourth Elected Member of Executive Council will not have any problem supporting this Bill, Sir, because I would have expected such a Bill to come at the Budget Session.

I feel that this Bill should have said that it was a revenue earning Bill. That is what I would have expected to have seen in the memorandum of Objects and Reasons. I am also happy too, Mr. President, to see that possibly in the last twenty-four to forty-eight hours there has been AID going on and I am not referring to the American Aid Programme, I am talking about artificial insemination by donor because I believe that we are seeing some change of hearts here today.

I cannot support this amendment, Mr. President, and with due respect to the Second Official Member I am afraid that I will have to take his submission under advisement. In other words I will have to get counsel's opinion on that one. The way I read this Bill is if it goes through as is proposed, 17(1) will also become mandatory.

I believe that if this Bill is passed, Mr. President, it can in one sweep ruin the lives of many young people in this country for all times; youth who are caught with probably a mere few grams of ganja. No evidence has been produced to prove that increasing the penalties under this law in the past has significantly reduced the numbers of offences. In fact, Mr. President, the contrary is true. The penalties, both fines and imprisonment, were very substantially increased by the amendment referred to by the Second Official Member which was passed in this Assembly on the 17th of March, 1977, and the statistics will prove that this has had no effect on reducing the number of offences against the Misuse of Drugs Law. And to prove my point I am going to quote a few statistics.

In the Police Report for 1976 there were 57 cases for misuse of drugs. In 1978 after the dramatic increase in penalties there were 85. In 1979 there were 99 and last year in 1981 there were 173. So, Mr. President, you will see that the increase in penalties has not had the effect of decreasing the number of offences under the law. I will tell you what has been increased, and that is the amount of court fines. And I have heard it said in this chamber before that the Government had not touched the most lucrative area of revenue in the country and that is the courts. And I am contending that that is what this Bill seeks to do today.

In 1976 the court fines were $43,308. In 1978 it was $106,012. In 1979 $94,228. In 1981 the revised estimate is for $125,000 and that revised estimate would have been given at least in September when the estimates were prepared. So it is reasonable to suppose that when the actual figures appear in this year's estimates it will be higher. And up to the end of August this year, Mr. President, the fines collected in the courts amount to $110,000 and you can imagine what they will be by the end of the year.

While I am not in a position, Mr. President, to directly relate the amount collected for misuse of drug offences in the courts it does not take much imagination to show that the bulk of those fines have come from drug related offences. And again I would quote some statistics. Between 1976 and 1979 the number of drug related offences increased by 28 and the revenue from court fines for the same period rose from $43,308 in 1976 to $106,012 in 1979. Between 1978 to 1981 the number of drug related offences rose from 85 to 173, an increase of 88 cases and the revenue from court fines rose from $106,012 to an estimated figure of $125,000.

So, Mr. President, the conclusion is clear.

THIRD MEETING OF THE (1982) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON THURSDAY 16TH SEPTEMBER, 1982

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG., PRESIDENT

GOVERNMENT MEMBERS

HON. D.O. FOSTER, OBE., JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB.	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T.C. JEFFERSON	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

ELECTED MEMBERS

MR. J. CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BALMAIN D. BROWN	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
MISS ANNIE R. 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. HENRY 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

SECOND DAY
THURSDAY, 14TH SEPTEMBER, 1982

1. QUESTIONS

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

NO. 44: Will the Member state whether he approved the recent articles in the Cayman Times, written by the Cayman Islands News Bureau, detailing interviews conducted by them with the Third Elected Member to Executive Council?

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

NO. 45: Will the Member make a statement as to the cost in the search and rescue of the Fasell family who were adrift?

NO. 46: What is the present total number of Civil Service staff?
(a) the number of Caymanians by birth?
(b) the number of non-Caymanians?
(c) the number with Caymanian status?

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 47: What amount was paid for the access road to the parcel of land purchased earlier this year in East End to be used in connection with a Hurricane Shelter/Civic Centre, etc?

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NO. 48: Will the Member state what steps have been taken by Government to secure the services of a care-taker for the West Bay Cemetery?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 49: Will the Member state whether work has commenced on the Sporting Complex?

NO. 50: Will the Member state the position as regards extra playing fields for the districts?

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 51: Will the Member state when it is proposed to spread the load of marl that has been sitting on the East End Primary School grounds for approximately one year now and when will additional fill, as required, be placed on the said School grounds?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

No. 52: Will the Member state the amount being paid for office rental for Cayman Airways's staff at Nautic Building?

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

No. 53: Will the Member state what amount has been paid to the auditors of Cayman Airways Limited and/or Cayman Air Holdings Ltd since June, 1977?

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

No. 54: Will the Member state when the extension of the Bluff Road to the lighthouse on the East End of Grand Cayman will be resumed?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

No. 55: Will the Member state the progress being made on the Harbour Road reclamation and the cost to date?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

No. 56: Will the Member state what became of a box, supposed to contain gold, marked "H.C." landed early this year on a Kirk Vessel from Jamaica, put in the Warehouse with specific instructions to hold until claimed?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

No. 57: Will the Member state whether it is Government's intention to install a sewage dump on the property known as the Agricultural Grounds in Smith Road?

No. 58: Will the Member state whether it is Government's intention to use airport reserve lands or property adjacent thereto for a garbage dump?

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 59: Will the Member state the amount of revenue up to the 31st August, 1978 and how does it compare with the previous year?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 60: Will the Member state if there has been any indication of an adverse effect caused by the re-imposition of import duty on jewellery, suiting, linen, silk, tapestry, watches and travelling clocks, hitherto duty-free?

3. GOVERNMENT BUSINESS

LEGISLATION -

(i) Continuation of the Debate on The Government Savings Bank (Winding Up) Law, 1982.

(ii) The Banks and Trust Companies Regulation (Amendment) Law, 1982
FIRST AND SECOND READINGS

COMMITTEE STAGE

(i) The Travel Tax (Amendment) Law, 1982.

(ii) The House of Drum (Amendment) Law, 1958.

(iii) The Public Officers Security (Repeal) Law, 1982.

(iv) The Government Savings Bank (Winding Up) Law, 1982.

(v) The Banks and Trust Companies Regulation (Amendment) Law, 1982.

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THURSDAY, 16th September, 1982

10 a.m.

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

QUESTIONS

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

NO.44: Will the Member state whether he approved the recent articles in the Cayman Times, written by the Cayman Islands News Bureau, detailing interviews conducted by them with the Third Elected Member to Executive Council?

ANSWER: The answer is no.

MISS ANNIE HULDAH BODDEN: Mr.President, with your permission, Sir, I should like to ask a supplementary question, although the answer is no. Why is this body allowed to dip into political affairs?

HON. D. H. FOSTER: Mr.President, it is my firm opinion, Sir, that this is not political affairs at all. The information service had an interview with the Member of Executive Council who I think is entitled to have an interview with the information service. Although the question gives the impression that the interview only came out in the Times, it is not so, Sir, it was properly circulated to all the media as is every bit of information and I really cannot see anything wrong with the article or with the interview.

MR. BENSON O.EBANKS: A supplementary, Mr.President, and on a matter of correction, the article had only appeared in the Times when my question was submitted. Will the Member state whether in his opinion, these articles fall within the ambit of the responsibility which he described to this House that the News Bureau would have?

HON. D.H.FOSTER: Mr.President, I daresay it is not information that would enlighten the public about some Government Department or function or a portfolio or something, but it is a subject that I guess is dear to everybody's heart and I am sorry, Sir, I cannot agree with the Member. I have the article in the Compass it was published on the 27th of August. In any event I have evidence that it was circulated to all the media.

MR. BENSON O.EBANKS: Mr.President, a further supplmentary. Could the Member state whether this interview or article was written on time for which Government pays?

HON. D. H. FOSTER: Mr.President, I really do not know what time of the day the interview took place, if it took place in the day at all, I really do not have that information.

MR.BENSON. O.EBANKS: A further supplementary ,Mr.President. Is the Member satisfied that the function of the News Bureau is to project the political views of any individual Member of Parliament, of the Legislature?

HON. D.H.FOSTER: Mr.President, I do not think it was the intention of the Member to do as was said there, Sir, I think the news came of the visit and the News Bureau asked for re-action

HON.D.H.FOSTER (CONTINUING): to the visit, you know, and this is how it came about.

CAPT. CHARLES L.KIRKCONNELL: Supplementary, Sir. Why was this particular Member singled out, why where there not other interviews carried out with other Members of the Legislature?

HON. D.H. FOSTER: Mr.President, I cannot really say why but I think everybody knows the feeling of people regarding Royalty, and visiting and de-colonisation and so on, as a general subject. The Bureau asked various questions to him and got various answers, and from that the article stemmed.

MR. BENSON O. EBANKS: Will the Member give an undertaking to this House that the News Bureau will not be used as a propaganda machine for Members of the Legislature or prospective Members of the Legislature.

HON. D.H.FOSTER: Mr.President, I can give no such undertaking. I have no full control over the Elected Members of Executive Council. I do not have that power.

CAPT. CHARLES L. KIRKCONNELL: Mr.President, certainly the Cayman Islands Government has a contract with the News Bureau which clearly sets out what they can and cannot do and we would like to know that they are kept within the confines of that contract.

MR.PRESIDENT: Are you asking a question?

CAPT.CHARLES L.KIRKCONNELL: Yes, Sir, we would like to be assured that the News Bureau is kept within the confines of that contract.

MR.PRESIDENT: But that is still not a question.

CAPT.CHARLES L.KIRKCONNELL: Can we have that assurance?

HON. D. H. FOSTER: Mr.President, we will try our utmost to see that the News Bureau is within their boundary line, but this is not very easy to define because news is news and I mean to say that it is quite difficult, but we will endeavour to do our best.

MR. BENSON O. EBANKS: Mr.President, a supplementary. The Member has told us repeatedly that he clears all articles going into the press from the News Bureau and I fail to see why he cannot give the assurance to the House which is being sought?

MR.PRESIDENT: Are you asking a question?

MR. BENSON O.EBANKS: I am asking the question, Mr.President, why can he not give that assurance to the House?

HON. D.H.FOSTER: No, Mr.President, I think there is a misunderstanding there. I do not clear all articles. Principal Secretaries and Members of the various portfolios clear articles from their portfolios; I clear my own and when there is a general thing that falls under no portfolio then I will clear that.

MISS ANNIE HULDAH BODDEN: Mr.President, with your permission, Sir, I should like to ask the Honourable Member if he is aware of the fact that the Cayman Islands News Bureau is assisting in writing editorials for certain newspaper?

HON. D.H.FOSTER: No, Mr.President, I am not aware and I am very doubtful that that is happening, Sir.

MISS ANNIE HULDAH BODDEN: It is happening, Sir.

MR.BENSON O.EBANKS: A supplementary,Mr.President. Would the Member now agree that the News Bureau is exactly what we said it would be when it was instituted, a propaganda machine for political purposes?

HON.D.H.FOSTER: No, Sir, I will not agree with that.

MR. PRESIDENT: If there are no further supplementaries, perhaps we would move on to question No.45.

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

NO.45: Will the Member make a statement as to the cost in the search and rescue of the Bazell family who were adrift?

ANSWER: To date the expenditure by the Government on the search and rescue of the Bazell family is CI$2,577.20.

MR.PRESIDENT: If there is no supplementary, we may move on to the next question.

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

NO.46: What is the present total number of Civil Service staff?
(a) the number of Caymanians by birth?
(b) the number of non-Caymanians?
(c) the number with Caymanian status?

ANSWER: On 1st July, 1982, there were 1357 established posts in the Public Service: of these 122 were vacant. Of the 1235 filled posts, 480 were occupied by non-Caymanians. 756 were occupied by Caymanians, of which 599 were Caymanians by birth and 156 were Caymanians with Status.

MISS ANNIE HULDAH BODDEN: Mr.President, with your permission,Sir, I should like to ask the Second Official Member a question, and it is this, those 122 which are vacant, are they essential for the good carrying on of our Government?

HON.D.H.FOSTER: Mr.President, an exercise is under way right now to determine that and only the very necessary ones will be kept in the Estimates.

CAPT.CHARLES L.KIRKCONNELL: Supplementary,Mr.President. Of the 755 Caymanians employed how many are temporarily employed?

HON.D.H.FOSTER: There are 136 Caymanians by birth who have served on temporary terms and we are now looking into that to get them on the permanent, pensionable establishment.

CAPT. CHARLES L.KIRKCONNELL: Mr.President, a supplementary. We were told by the former Financial Secretary at the Budget Session that there were 1226 staff in the Civil Service. I see there are 1357 established posts, did this increase take place this year, Sir.

HON.D.H.FOSTER: Mr.President, there is a difference between the number of established posts in the Estimates and the true amount employed, thus the reason for the 122 vacant, which would have brought it up to the number. If you subtract the 122 vacant posts it would have nearly brought the Financial Secretary's figures about correct.

MR. W.NORMAN BODDEN: A supplementary, Mr.President. Could the Member state of the number of 122 vacant posts what categories mainly are these vacant posts?

HON. D. H. FOSTER: Not off-hand, Mr.President. They are scattered throughout various Departments, there might be some in Health, Education, all throughout the service. I have not really gotten any details on that, Sir.

MR.CRADDOCK EBANKS: Mr.President, a supplamentary. Could the Member say whether those 126 that are temporary will their salary not appear in the Estimates as well?

HON. D. H. FOSTER: Yes, yes, Mr.President, they are filling a vacancy of an established post, but they are temporarily employed. Their posts are in the Estimates.

MISS ANNIE HULDAH BODDEN: Mr.President, with your permission, Sir I should like to ask if there is any reason why those people are not on permanent appointment?

HON. D. H.FOSTER: Mr.President, our principles are that where we are not sure whether the person is going to like the job, or whether the person is suitable for the job, then we take them on temporary terms first for a period of time and then later when it is known that the person is suitable and that they are happy in their job and they want to make the Civil Service as a career, then they will go to the permanent, pensionable staff.

CAPT.CHARLES L. KIRKCONNELL: Mr.President, the salary of the Civil Service account for 68% of the recurrent expenditure for the year 1982 and this was expressed by the Financial Secretary as a danger point. I see that we have increased staff, has any action been taken to reduce the number of Civil Servants?

HON. D. H. FOSTER: Mr.President, there is a review going on. I do not know whether there will be any reduction because the success of this community is because of the service given by this Government. Government services the private sector in every respect, our Post Office, our medical facilities, our schools, our Registrar of Companies, our Lands and Survey Department and, Mr. President, if we do not function properly the private sector cannot function properly. When we are unable to give a service on account of proper staff, you will never hear the end of it, even in this Chamber. You will recall, I think, at the last meeting or some other meeting when Lands and Surveys were behind, now they have caught up, we were short of staff, we had to train,it has caught up and we hear nothing. We cannot reduce staff unless we find that we really do not need the people, but if it is going to impede our service we give to the private sector there is no way we can

HON.D.H.FOSTER (CONTINUING): do it, Sir. And I am sure the Financial Secretary will do everything possible in the 1983 budget to see that we do not hire any more Civil Servants than are necessary.

MR.BENSON O.EBANKS: Supplementary, Mr.President. I think it was clearly demonstrated yesterday when dealing with the Government Savings Bank that at least some Departments of Government are over-staffed when we were told that there were 5 staff operating something like 200 active accounts -

HON. G. HAIG BODDEN: On a point of order, Mr.President, the Member is making a statement - this is not allowed.

MR. BENSON O.EBANKS: I am coming to my question, Mr.President. In view of that, will the Member state whether the exercise which he is referring to, the on-going exercise, will include an organisation and Methods and study?

HON. D. H. FOSTER: I do not know exactly what you will call it, Mr.President, but it will come up when a further question is being asked later on. The study will provide us with sufficient information and everything on particular Departments on the amount of staff required, the jobs to be done, if there is too much staff, then we will get rid of some and place them where they are more needed.

Like the Savings Bank staff that is now redundant, we probably lost five people in the Registrar of Companies' office quite recently, they will be placed in other positions.

MISS ANNIE HULDAH BODDEN: Mr.President, with your permission, Sir, I should like to ask the First Official Member if the present security guard at the airport are they deemed Civil Servants or ordinary labourers?

MR.PRESIDENT: I do not think that really is a supplementary arising out of the original answer, it seems to me to stray quite widely and if you want that information, I think you should ask a specific question.

MR.CHALLOCK EBANKS: Mr.President, one further supplementary. Could the Member state on a temporary employment, how long does one have to work in that field until he is ready for permanent employment?

HON. D.H.FOSTER: It is normally, Sir, six months. The problem really is qualification. We take in a lot of people below the minimum and if we find that they really could do and they need some more time to qualify, attend the Community College for studies, and so on, we might keep them longer to enable them to get a higher grade.

MR.PRESIDENT: If there is no further supplementary, perhaps we may move to the next question.

THE TULIP ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.

NO.47: What amount was paid for the access road to the parcel of land purchased earlier this year in East End to be used in connection with a Hurricane Shelter/Civic Centre, etc.?

ANSWER: No consideration whatsoever was paid for the 25 foot vehicular right-of-way over parcel 38 in Block 71A.

MR. BENSON O. EBANKS: Supplementary, Mr. President. Could the Member state whether he has had an estimate of the cost of filling and making this surface usable by vehicle?

HON. TRUMAN M. BODDEN: Mr. President, with respect, I do not see how that arises out of the question.

MR. PRESIDENT: I was going to say the same thing. I think that is a separate question and if you want that information it should be put down as such. It really does not arise from the answer given to your substantive question.

MR. BENSON O. EBANKS: I bow to your ruling, Mr. President, but it is described as a vehicular right-of-way and there is no way a vehicle can use that in its present condition.

HON. TRUMAN M. BODDEN Mr. President, I think the Member has to be careful not to continue making statements. He has been warned before and I think he should try to live within the ambits of the Standing Orders which he has made.

MR. BENSON O. EBANKS: Mr. President, I would only say the Member should practice what he preaches.

MR. PRESIDENT: Order, order. I think perhaps we might move to the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.

NO. 48: Will the Member state what steps have been taken by Government to secure the services of a care-taker for the White Hall Cemetery?

ANSWER: The George Town Cemetery is presently undergoing a face-lift through the efforts of the Rotary Club and Cayman Islands Government. After completion of the project, one of the workmen at the Department of Agriculture will be assigned full-time to maintain the cemetery. There are presently two workmen assigned to maintenance of Government cemeteries.

MR. BENSON O. EBANKS: Mr. President, I have a supplementary. Would the Member state whether the individual to be assigned full-time to the George Town cemetery is one of the two now assigned to all Government cemeteries?

HON. JOHN B. McLEAN: Mr. President, that is quite possible. But if he is appointed as to the one to take care of the George Town cemetery, he would not be included in the two for the others.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. Is the Member satisfied that two workmen can keep all of the Government cemeteries in the Island in proper condition?

HON. JOHN B. McLEAN: Mr.President, if I was I would not have given out the George Town Cemetery to the Rotary Club of Grand Cayman.

MR.BENSON C. EBANKS: A further supplementary, Mr.President. Could we have assurance then that the strength of workmen assigned to the maintenance of Government cemeteries will be brought up sufficient to maintain them properly?

HON. JOHN B. McLEAN: I can assure the Member, Sir.

MR.PRESIDENT: If there are no further supplementaries, perhaps now the Second Elected Member for West Bay can ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES.

NO.49: Will the Member state whether work has commenced on the Sporting Complex?

ANSWER: Through the Public Works Department, a Civil engineer is currently establishing site elevations in order to have the various sectors of the initial phase laid out. Any construction of any sector cannot begin until these preliminary works have been completed.

MR. D. DALMAIN EBANKS: Supplementary, Mr.President. Could the Member say what time the preliminary work will be completed?

HON. TRUMAN M.BODDEN: Mr.President, it is now being worked on and I would expect within the next few weeks it should be cleared, subject to weather conditions.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH,EDUCATION AND SOCIAL SERVICES.

NO.50: Will the Member state the position as regards extra playing fields for the Districts?

ANSWER: Sites for establishing playing fields in some Districts have been completed. In other Districts where there is additional need, provisions are currently under way to acquire additional properties for this purpose.

MR.CRADDOCK EBANKS: Mr.President, a supplementary. Could the Member state if the North Side area is one that land is being sought for a playfield?

HON.TRUMAN M.BODDEN: The answer is yes.

MR.CRADDOCK EBANKS: Would the Member further state if money is being provided in the Estimates for the purchase of such property?

HON. TRUMAN M.BODDEN: The answer is yes.

MR.PRESIDENT: If there is no further supplementary perhaps we may move to the next question.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.
ANSWERED BY THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS.

NO.61: Will the Member state when it is proposed to spread the load of marl that has been sitting on the East End Primary School grounds for approximately one year now and when will additional fill, as required, be placed on the said School grounds?

ANSWER: No load of marl is on the site or has been sitting there for one year.
Work on the School grounds has been scheduled for October 1962.

MR. BENSON O. EBANKS: A supplementary, Mr. President. Could the Member say then whether that marl was spread since Sunday one week ago?

HON. G. HAIG BODDEN: Mr. President, I hate to say this but the statement of fact contained in the question is very inaccurate and under Standing Order 21 (1) (b) the Member asking the question is responsible for the accuracy for the statement of fact contained in it, but I will tell the Member, since evidently his information has come to him second-hand, the position.

Money is in the Estimates for work on the school grounds at East End, this money has been there from November last year. When we were filling the grounds for the Police Station in Bodden Town we dropped some large boulders on the school grounds at East End at the same time because these huge boulders would be needed to fill this land. Everyone knows the condition of the school grounds at East End where there is a big suppression very near and adjacent to the public road, and so not one load of marl but many loads of large rocks, large boulders, were put there. Before the place can be levelled a retaining wall had to be built and a wall is now in place with huge columns, 12 by 12 inches and the actual finishing work, from January this year, when Public Works, did its plan, was scheduled to be done in October, so there is no marl sitting there to be spread, there are boulders as a part of this exercise and furthermore, I could mention that this part of the school grounds is not needed at the present time as there is a play-field in the back of the school on a piece of land which recently was purchased by Government.

MR. BENSON O.EBANKS: Mr. President, I stick by what I have said, Sir. The marl has boulders in it. I agree with that and I did not say.....

HON. G. HAIG BODDEN: The Member is making a statement, Mr. President, he must ask a question during question time.

MR. PRESIDENT: I was waiting to see whether he is asking a question.

MR. BENSON O.EBANKS: Yes, Sir, I am asking the question. Could the Member say how long this marl has been sitting there if it has not been for a year?

HON. G. HAIG BODDEN: No marl is sitting there, Mr. President. I would invite you, Sir, if you have the time, to adjourn the House

HON.G.HAIG BODDEN (CONTINUING): and let us go to East End and see whether the statements made by the Member are true or not.

MR.PRESIDENT: I think I shall decline the invitation.

MR. BENSON O.EBANKS: I will accept the invitation, Mr. President, if they have not pulled the bush out of it since Sunday gone a week.

HON. G.HAIG BODDEN: Mr.President, although not a question, I think I should answer. I checked this yesterday evening, Sir

MR. J. CARSTON SMITH: Mr.President, with your permission, I would like to ask one supplementary. Could the Member tell this Honourable House whether any work is being done at all in this field in question at present?

HON.G.HAIG BODDEN: Well, some work has been done on it. The boulders were put there a long time ago in order to save money. Government had purchased a quantity of these boulders, as I said earlier, to fill the grounds for the Police Station in Bodden Town and as the same type of boulder was needed for the East End area, they were dropped there at that time. There was no intention to do the work. Since then the walls have been put in place and, as I mentioned earlier, work is scheduled to finishing off the job in October. It has been a planned programme and not an implication of negligence as was shown in the original question with this most inaccurate fact.

MR.PRESIDENT: If there is no further supplementary, I think we can move on. But my understanding is that in accordance with Standing Order 23 (6), which says that not more than three questions requiring an oral answer shall appear on the order paper in the name of the same member for the same day and any question in excess of this number shall not be called by the Presiding Officer but should be answered as provided in paragraph (8), which means that they shall be answered in writing. My understanding is that in accordance with that Standing Order, questions number 52 and 53 will, I think, be for written answer, since I think that the Third Elected Member for George Town has already asked questions 45,46 and 48 and the third Elected Member for West Bay has already asked questions 41,47 and 51.

HON.JAMES M.BODDEN: Mr.President, in line with questions 52 and 53 are really questions that are normally not answered in the House, because they pertain to a particular company chartered under the Companies Law of the Cayman Islands and in previous administrations we have been repeatedly told or given this reply in answer to questions which were posed on this particular problem.

MR.PRESIDENT: I could not quite catch the last bit that you said.

HON. JAMES M.BODDEN: In previous years this House was repeatedly told that questions of this nature, dealing with companies registered under the Companies Law of the Cayman Islands should not be answered in the Legislature, although I am prepared to answer them.

MR.BENSON O.EBANKS: Mr.President, with your permission,Sir,

MR. BENSON O. EBANKS(CONTINUING): I think this situation has arisen because of the shortness of time anticipated for this sitting and I would humbly suggest that these questions be left over until tomorrow at which we are going to come back, rather than being answered in writing.

HON. TRUMAN M.BODDEN: Mr.President, on a point of order, it seems under sub-order (8), once a question is called that right to stand over does not exist.

MR.PRESIDENT: Well, I was reading paragraph (6) which seems to me to preclude me from doing what the Honourable Member asked....It says no postponement shall be allowed....

MR. BENSON O. EBANKS: Surely, Mr.President, I think I asked a total of 5 questions for this sitting or for the meeting and it is not my fault that more than four were put down on one day and I think that as a matter of privilege, a Member should have a right to ask his questions, provided there is time to do it.

HON. JAMES M.BODDEN: Mr.President, going back again into the history of the legislature, these Standing Orders were put together with strong opposition from certain Members of this House by the elected Government at that time, which included the Member who is asking these, so if they were good enough to stand at that time, then they should stand now, Sir.

MR. BENSON O. EBANKS: Mr.President, Mr. President...

MR.PRESIDENT: Yes....

HON. MICHAEL BRADLEY: Mr.President, Sir.....

MR.BENSON O.EBANKS: Mr.President, Sir, I may be able to help on this , Sir, if you would hear me. You are using sub-section (6) of Standing Order 23; what that says is that not more than 3 questions requiring an oral answer shall appear on the order paper in the name of the same Member for the same day, and any question in excess of this number shall not be called by the Presiding Officer but shall be answered as provided in paragraph (8),save that no postponement shall be allowed; and paragraph (6) provides for the question to be carried forward on my request till tomorrow or a subsequent meeting.

HON. TRUMAN M.BODDEN: Mr.President, on a point of order....

MR.PRESIDENT: The words....sorry

HON.TRUMAN M.BODDEN: Mr.President, on a point of order, I tried to point out to the Member or to the House some ten minutes ago that if the Member reads that correctly once you have called it he does not have that right, and you have called them....

MR.PRESIDENT: No...I have not called them...

MR.BENSON O.EBANKS: No, he did not call them.

MR.PRESIDENT: I did not call the questions, but what seems to me to exclude the possibility is the final words of paragraph (8) that no postponement shall be allowed. You are asking

MR. PRESIDENT (CONTINUING): me to allow you to request in accordance with paragraph (8) the postponement for which paragraph (8) provides, but paragraph (6) says "no postponement is allowed" under the circumstances that have arisen.

MR. BENSON O. EBANKS: Well, to get over the whole thing, then Mr. President, I move that in accordance with Standing Order 82 Standing Order 23 (6) be suspended to enable these questions to be asked tomorrow, or today, if you want, Sir.

MR. PRESIDENT: The motion is ...it is up to you to want, it must be your motion. If you will tell us what the motion is.

MR. BENSON O. EBANKS: The motion is that in accordance with Standing Order 82, Standing Order 23 sub-section (6) be suspended to enable the questions standing on the paper to be asked in the order in which they appear.

MR. PRESIDENT: The question is that in accordance with Standing Order 82 , Standing Order 23 (6) be suspended for today in order to enable the questions to be asked in the order in which they appear in today's order paper. In declaring the motion for debate, I should point out that there are going to be very few minutes left for question time in any case, but if any Member wishes to speak on the motion they can do so.

HON. TRUMAN M. BODDEN: Mr. President, the Standing Orders that were put together in 1978 partly by the Member moving this motion have many times been stated by that same Member that they should be adhered to. As he mentioned somewhat earlier, he hoped that I would abide by the Standing Orders and I am somewhat surprised now to find that he wishes to use the suspension provision of Standing Order 82.

The whole idea behind the provisions of Standing Orders has been to ensure that only in rare instances should the suspension provision of 82 be used. The matter before the House is one in which many questions have already been asked and it will take away time that would otherwise be available for other matters before this House if that suspension has been carried out.

Now, it may well be somewhat different, Mr. President, if one could see some sympathy in relation to the suspension of the Standing Order, but the Member in whose name these questions stand already has had the privilege of asking these three questions and if time should be permitted for anything further then quite rightly, I think, other Members should be given the privilege of asking their other questions.

The Member....

MR. BENSON O. EBANKS: Mr. President....

MR. PRESIDENT: Are you rising on a point of order?

MR. BENSON O. EBANKS: Yes, Sir, the Member is deliberately taking the time beyond 11 o'clock.....

MR. PRESIDENT: It was the Honourable Member who has interrupted now who raised the motion.....

HON. TRUMAN M. BODDEN: Mr. President,.....

MISS ANITE HULDAH BODDEN: Shut up.

HON. TRUMAN M.BODDEN: I will not shut up.

MR.PRESIDENT: Order, order.

HON. TRUMAN M. BODDEN: It seems to me somewhat surprising that having already wasted a considerable amount of time, I now be asked to stop after only speaking for nearly three minutes. But the privilege of this House have certain priorities and when the time that the Standing Order provide for has elapsed, then the other business of the House is made very clear and it is mandatory, Mr.President, under Standing Order 14 that the business of session shall be transacted in accordance with that order. So I would ask the House not to permit this suspension, it is one which would deprive other Members of the right to ask questions which they legally, and from a privileged point of view, would have the right to ask, and I think that that therefore should be the stand of the House and we should vote against that motion.

MR. BENSON O. EVANKS: Mr.President...

MR.PRESIDENT: There is another Member who wishes to speak before you, unless you are rising on a point of order.

HON. G. HAIG BODDEN: Mr.President, the motion before the House is to suspend 23 (6). There is a special reason in the Standing Orders for 23 (6) to limit the number of questions that one Member may have answered during the one hour allotted to question time. There are 8 Members on the other side of the House and each Member has a right to have questions answered in this period. One Member should not be allowed to monopolize all the time of the House or all of question time in getting his questions answered. In fair play to the other Members they have the right an inherent right which is protected by Standing Order 23 (6), which says "not more than three questions requiring an oral answer shall appear in the name of the same Member" and to interfere with this Standing Order and to take away that restriction, would put the whole business of the Assembly into chaos, if one Member would be allowed to ask 20 questions. This has never happened in an orderly Parliament. If the 8 Members are each allowed 3 questions, that is 24 questions to be asked and answered in one hour, and with the number of supplementary questions that are normally asked in this Chamber there is no way at all that more than 24 questions could be dealt with in a single morning. The first question on the Order Paper this morning took exactly 15 minutes to be answered, together with the supplementaries; at that speed we could only deal with four and therefore all Members, the 8 Members would not be allowed but half a question, so this is something I feel strong against and I shall vote against the suspension of the Standing Order and I trust that Members, even on the other side of the House will see that it is as protection of their own right to prevent a Member from monopolizing the time of the House.

MR.PRESIDENT: Since we have already passed 11 o'clock and passed the time allotted for questions, with the permission of the House I think it might be convenient to end debate on this motion. If the honourable Mover of the motion wishes to exercise his right of reply briefly, I would allow him to do so. I would then like to put the motion to the vote.

MR. BENSON O. EBANKS: Yes, Sir, I will be very short. Mr. President, the two Honourable Members from Executive Council have even excelled their usual ability to confuse the issue before the House. I am not trying to monopolise question time, what I have done is to ask for the suspension of Standing Order 23 (6) in order that all questions appearing on the Order paper, not just mine, would go, and when they were stalled by eleven o'clock, Members would protect themselves under Standing Order 23 (8). I am not trying to monopolise the time of the House and furthermore, the Member knows that I asked a total of five questions: I had nothing to do with the order in which they were put on the Order of the Day, I believe he is a Member of the Business Committee - may be it was done deliberately - I do not know. And, Mr. President, I therefore move that Members support the suspension so that these questions can be asked tomorrow.

MR. PRESIDENT: I think we are getting a little confused - it is not so the questions can be asked tomorrow, the motion was intended to enable the questions to be answered today. What I plan to do, if the Member will sit down for a moment, after we have voted on this motion, is to give Honourable Members who have un-answered questions, a chance to protect themselves in the usual way before I formally declare that question time is over. I think that would be fair to all parties.

The question, if I have got it right, before the House is that under Standing Order 82 that Standing Order 23 (6) should be suspended to enable all questions listed in today's order paper to be asked. That was the motion. Will those in favour say Aye..

SOME MEMBERS: AYE.

MR. PRESIDENT: Those against NO.

SOME MEMBERS: NO.

MR. PRESIDENT: I think the Noes have it

MR. BENSON O. EBANKS: Could we have a division, Sir?

MR. PRESIDENT: Let there be a Division.

D I V I S I O N

NOES	AYES
Hon. D.H. Foster, CBE JP	Mr. Benson O. Ebanks
Hon. Michael Bradley, LLB	Mr. W. Norman Bodden, MBE
Hon. T.C. Jefferson	Miss Annie Huldah Bodden, OBE
Hon. John B. Nolan	Capt. Mabry R. Kirkconnell
Hon. Truman M. Bodden	Capt. Charles L. Kirkconnell
Hon. James M. Bodden	
Hon. G. Haig Bodden	
Mr. J. Garston Smith	
Mr. D. Dalmain Ebanks	
Mr. Craddock Ebanks, JP	
10	5

MISS ANNIE HULDAH BODDEN: Mr. President, if I am out of order, please tell me so, but I feel, Sir, that our democratic right as Legislators is being taken away.

MR.PRESIDENT: Just let me announce the result of the division - it was defeated - the motion was defeated by 10 VOTES TO 5. As to the point raised by the Third Elected Member for George Town, I do not myself see it as derogation of Honourable Members' rights that we should stick to Standing Orders. Standing Orders were devised by Members themselves in order to facilitate the orderly business and conduct of the proceedings of this Assembly and I think it is appropriate that, as a general rule, we should be guided by them. There may exceptionally be a need to suspend them but I think it is fair to say that the rule about 3 questions per Member was devised in order to protect the interests of Members and to give all Members a reasonable opportunity to ask their questions.

I do think, though perhaps I am as guilty as anybody in this respect, I do think that we have allowed the number and the length of supplementaries to become so great that we are unable, as a rule, to complete all the questions which are set down on an Order Paper. I have been very lenient with allowing Members to ask supplementaries, even when on occasions there has been perhaps straying rather far, or being inclined to repetition. If Members so wished it, I could, perhaps, in future, be a little stricter in the hope that that would enable us to complete the asking of all the questions that are set down normally on an Order Paper, but I would wish to be guided by the House as to that.

The other point I would make is that my understanding is that the Business Committee did meet before this meeting opened and it did decide which questions should be asked on what day. It may be - although of course it is for that Committee to decide itself - it may be that for the future that Committee would see fit to apportion questions in such a way that every Member gets a fair share each day, because it is quite true that if a particular Member's questions do not appear or appear very low down on the Order Paper on the first day, then he may be put at a disadvantage and I am sure that that is a point that the Business Committee will wish to remember in the future.

HON.G.HAIG BODDEN: On a matter of personal explanation, the Member imputed that I am a Member of the Business Committee, I am not, but most of his colleagues are.

MR.PRESIDENT: If any Member who has a question which was not reached, wishes to protect himself in the usual way, I will give him an opportunity to do so before formally putting it.

MR.W.NORMAN BODDEN: Mr.President, I would like to request that the questions against my name on the Order Paper today be postponed until tomorrow.

MR. BENSON O.EBANKS: Mr.President, I would like the same treatment.

MISS ANNIE HILDAH BODDEN: Mr.President, I would like the same concession, Sir. Thank you.

CAPT. MABRY S. KIRKCONNELL: Mr.President, I would also like the same postponement.

MR. D. VALMAIN EBANKS: Mr. President, I would like the same also.

MP. PRESIDENT: I think that has given all Members an opportunity.

CONTINUATION OF THE DEBATE ON THE GOVERNMENT BANK (WINDING UP) LAW, 1982

HON. T. C. JEFFERSON: Mr. President, I rise briefly to thank the Members for their support of the Bill yesterday and secondly, to offer my appreciation for the valuable points made by the Third Elected Member from West Bay and the First Elected Member from the Lesser Islands on sections of the bill.

The Second Official Member has prepared some amendments to these sections, which, hopefully, legally clarify the intentions of Government to the satisfaction of Honourable Members.

While I appreciate, Mr. President, that Honourable Members were dealing with the procedure as set out in the bill, I do not think we need to be overly concerned. Mr. President, because the total deposit figure which I quoted while moving the Second Reading, that is $166,581 has already been reduced to $196,186 as at close of business yesterday.

Mr. President, I also see no need for the bill to be referred to a Select Committee and I therefore commend it to you and Honourable Members for a Second Reading.

MR. PRESIDENT: The question is that a bill for a Law to Wind Up the Government Savings Bank Law, be given a Second Reading. Those in favour please say Aye.

MEMBERS: Aye

MR. PRESIDENT: Those against - No. The Ayes have it.

BILL GIVEN A SECOND READING.

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1982

FIRST READING

CLERK: The Banks and Trust Companies Regulation (Amendment) Law, 1982

MR. PRESIDENT: The bill is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Banks and Trust Companies Regulation (Amendment) Law, 1982.

HON. T. C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Banks and Trust Companies Regulation Law (Revised).

The object of this Bill is to amend the Banks and Trust Companies Regulation Law (Revised) so as to enable holders of Class B Licences to lend money within the Islands to persons possessing Caymanian Status. A minor amendment to delete a reference to the Government Savings Bank, which is being wound up, is also included.

HON. T.C.JEFFERSON(CONTINUING): Mr.President, the Cayman Islands as Honourable Members are aware, have experienced tremendous economic growth over the last 10 years and many statistics can be quoted to support this statement. One lagging statistic which many people of this country are not satisfied with, Mr.President, is the ability of a Caymanian to secure mortgage financing. And in keeping with the good principles, or the principles of good Government, Government for the people of these Islands, our duty, Mr.President, young though I am as a Member, is to ensure that wherever legally possible Caymanians must participate in the benefits of this development taking place in our country.

Some small schemes have been developed in the last 4 to 5 years, the first one which comes to my mind was housing assistance through the Caribbean Development Fund, this source, Mr.President, is not now available.

Another is Government's recent efforts where a sum of money was provided in the 1982 Estimates to assist permanent and pensionable civil servants who are trying to provide shelter for their families.

Mr.President, I believe that we, as Members of this Government, must always maintain a social awareness of what is taking place in our country and we, I suggest, take the necessary steps to ensure that the good social balance of Caymanian society is maintained. If we are successful in accomplishing this, Mr.President, we will maintain that pleasant, peaceful and friendly people of the Cayman Islands which so many people of the world have come to love and appreciate.

Mr.President, even in my short time in the chair of Financial Secretary, I have had requests from the Category B Banks for permission to lend funds to Caymanians for mortgage purposes. It was not possible to give that permission. The bill being presented will allow Category B Banks to lend funds to Caymanians and will have to visibly show our people that the financial centre cares and is here to meet the needs of Caymanian society.

Mr.President, I ask for your support with this bill.

QUESTION PROPOSED:

MR. W.NORMAN BODDEN: Mr.President, as regards a bill for a law to amend the Banks and Trust Companies Regulation Law, the amendment to sub-section (6) of section 4 which would allow Class B Banks to lend money to persons of Caymanian status has my full support. This is an additional, or shall I say, increased means which will help our people to help themselves, to help to finance projects with funds that might not be available from other sources, and I firmly believe that this will be well received by everyone in those Islands.

I do not believe that this will in any way affect the already well-established activities of Class A banks and that this amendment should cause no serious concern in that sector of our business community.

It would seem, however, that in the course, and in a matter of events, the annual license fees of B banks might have to be re-considered at a later stage. Nevertheless with these brief remarks, Mr.President, this bill has my full support.

CAPT. MABRY S. KIRKCONNELL: Mr.President, I too fully support this bill. I feel it is something that we have needed for a long time, that money for mortgages could be available and it is my sincere hope that money will be available to our low and middle income groups of our population who need housing and will also help in the housing bill which we debated and the question was then asked where would we get the money. So in my few remarks, I would like to fully support this bill, Sir.

MISS ANNIE HULDAH BODDEN: Mr.President, I too support this bill, but I trust that discretion will be used by those who borrow the money not to borrow too much and keep it so that they can be able to re-pay their mortgages.

I agree, Sir, that in this modern day most people are not satisfied with a little ordinary, one or two bed-roomed house as they had before, they want to improve their condition of living and I fully agree that Caymanians, in particular, should have means whereby they can receive money to help them to live in more comfortable surroundings. Especially the middle class and the lower class, and when I say lower class, I mean financially - because we are all equal, I feel, as human beings - but those in less fortunate positions they will be helped and I do support this bill, Sir.

MR. BENSON O. EBANKS: I wish to speak, Mr.President, but in light of the adjournment I was not sure that I would finish, and I was hoping that somebody else would speak before, nevertheless, I will start, Sir.

I would first, Mr.President, like to compliment the Member piloting the bill on the able manner in which he introduced it and I would like to say that I too support the idea of finding mortgage finance for Caymanians.

I did note, however, that in introducing the bill the Member did not mention the Housing Development Corporation which was brought into existence over 1 year ago for the purpose of providing mortgage loans for housing for Caymanians, particularly those in the middle and lower income bracket. But, I would presume, Mr. President, that Government has done some research or has had some approach, and I think the Member piloting the bill confirms that he has been approached by 3 Class Licenced Banks to have permission to lend money on mortgage in the Cayman Islands. If this is so, I welcome the effort to try to allow these institutions to lend money locally, but, Mr.President, my problem with the bill is not the intent of the bill, I fully support the idea of the 3 Class Banks being permitted to lend money, but I am questioning whether this amendment is the answer to the problem. Because I would not feel that it would be intention to enable a 3 Class Bank to lend money in the Cayman Islands on mortgage and then find themselves in the position that as mortgagee they are unable to enforce the mortgage, or if they have to take possession of the home as under the mortgage, that they would find themselves in a position that they could not erect the home or in some other way make use of their security and the problem that I have is this - under the Banks and Trust Companies Law, banking business is defined, or interpreted to mean the business of receiving on current savings, deposits, or other similar accounts, money which is repayable by check or order and may be invested by way of advances to customers or otherwise.

Now the amendment before us seeks to make a proviso to section 4, sub-section (6) which says - "Licenses granted under section 1 shall be granted either specifically for carrying on business" (and here I would presume banking business)

MR. BENSON O. EBANKS (CONTINUING): "under such licence within the jurisdiction of the Islands and known as A licenses or specifically for carrying on business under such licence outside the jurisdiction outside the Island and known as B licences". Now the amendment that is being proposed is that after "licences" we say "provided that notwithstanding the provisions of any other law, the holder of a B licence after giving general notice to the Financial Secretary of his intention to make such advance, may advance moneys to persons possessing Caymonian status as defined in the Caymanian Protection Law". So my humble interpretation of that clause is that we are seeking to make a provision to the interpretation of banking business merely to the extent that a B class licensed bank may make an advance monies to persons possessing Caymonian status, and, as I said, I am not satisfied that this takes care completely of what is being sought.

I would have thought that probably the best way for a B class bank to go about this would be to set up a mortgage company locally and do the local mortgages through that subsidiary, but there might be some reason why that is not possible. But if that is not possible then it seems to me that we should consider an amendment to what is proposed here saying something to the effect that the B banks may advance monies to persons possessing Caymanian status as defined in the Caymanian Protection Law and to do any other business or thing incidental or resulting from such advance, of money.

I am not a legal draftsman so I am not capable of putting that into what probably the legal form I might even like to see it in, but I feel strongly that what is proposed here is really an over-simplification of the restriction that now prevents a B class bank from doing business locally. I interpret that notwithstanding our laws, to refer to the Companies Law where the company, the B Class bank in question is probably an exempt company which is also precluded from doing business in the Islands.

As far as the Trades and Business Licence Law goes, as far as I know there is provision there that once a business is licensed under any other law, it does not require to be licensed under that law, so I do not see that we are really running from that one, and those are my concerns, Mr. President, on this bill, that is a concern as to whether this amendment really meets the intent of the policy proposed or not. I support fully the concept of allowing these banks to lend money but I am not satisfied that we should not cover them as far as the activities that are incidental to the lending of money or resulting from the lending of that money, in respect of their position as mortgagee which they will become, because I do not believe that it is the intention to put these banks in a position that having lent their money they could not enforce their security, or that their security would become useless to them in the event that they had to exercise their rights under the mortgage. I thank you, Mr. President.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I am rising very briefly in relation to the speech that has just been made in relation to this bill, and the power is in this bill contained to make advances of monies. If it is found necessary to make amendments to other laws in order that the banks may feel that they may take security, that is a matter to be raised by an amendment to the other law and not contained in this bill, Sir, and it would be considered in due course.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I too rise to support this bill, a Law to Amend the Banks and Trust Companies Regulation Law

CAPT. CHARLES L.KIRKCONNELL(CONTINUING): (Revised). This amendment, Sir, will enable our people to secure loans from yet another untapped source and allow them to build houses which they are greatly in need of.

I have checked with several bank managers and they are not disturbed in the least - they have a limited amount of money to lend for mortgages and this new source should fill the gap in our economy that needed to be filled for quite a number of years.

Perhaps, Sir, at a later date the B banks will see fit, or we will see fit here to make money available to other people residing here with us who have not got Caymanian status, because we do have, from time to time, serious people coming here - at the moment I know a particular manager, who is working for a B bank and cannot get a loan from the ordinary bank and his bank will lend him the money, but in order for him to get this money, as a person, not possessing Caymanian status, he has got to go to the trouble of forming a company. The bank will lend this to that company and then the company would be liable to the bank. I am hoping, Sir, that in the not too distant future we will see that we can extend this privilege to people other than our own. Of course, I am very cognisant of the fact that it is done for the benefit of Caymanians and they must have the preference to this new source, and I agree with this wholeheartedly. But I think if we see that this need is being met, we will bring another amendment to this bill and extend the areas in which the B banks can lend money to people other than our own.

I think this new source of money is very timely to get it now - money is tight - people have the time and if they have the money they will be able to build their houses while they are waiting for new areas of employment to open up. I support this bill, Mr.President, wholeheartedly and I am very encouraged to hear from our Financial Secretary that he has already had enquiries from B banks who are prepared and willing to make loans to us here in the Cayman Islands. Thank you.

MR.PRESIDENT: If no other Member wishes to speak I will ask the mover of the bill whether he wishes to exercise his right of reply.

HON. T. C. JEFFERSON: No, Mr.President.

MR.PRESIDENT: Then the question is that a bill entitled a Bill for A Law to Amend the Banks and Trust Companies Regulation Law, be given a second reading. Those in favour please say Aye..

MEMBERS: Aye

MR.PRESIDENT: Those against - No. The Ayes have it. It is my understanding that it will be convenient for a number of Members if we break off at 12.15, rather than at 12.30 this morning and Members may recall my announcement yesterday that there would be a meeting of Finance Committee this afternoon, that will be at 2.30, so it may be convenient to move the adjournment until tomorrow morning.

ADJOURNMENT

HON.D.H.FOSTER. Mr.President, before I move the adjournment what time would we resuming Assembly then, Sir?

MR.PRESIDENT: Tomorrow morning at 10 o'clock.

HON.D.H.FOSTER: Mr.President, I move the adjournment of this House until tomorrow at 10 a.m.

MR.PRESIDENT: The question is that the House do now adjourn until 10 o'clock tomorrow morning. Does any Honourable Member wish to speak? One or two do.

HON.TRUMAN M.BODDEN: If I may just mention that, with due respect, Mr.President, what has been done on other occasions, on many times, normally is that Finance Committee is taken after the Legislature finishes, rises at 4.30, because from the looks of it now, we may well go into next week, which I am not certain if all Members may want to agree with that. I realise that the notices have been sent, and I am sure that everything has been done in good faith, but I merely mention that in an effort to save time, as Finance Committee is normally short, that you know, that at least in future, that is the way we could deal with it, Sir.

MR.PRESIDENT: I am in the hands of Members. My understanding is that we have had the second reading of all the bills, of the six, one got withdrawn and one has been referred to a Select Committee, so that there are only four to go through the Committee stage. I am bound to say I had rather hoped and expected we would get through the Committee stage of all four tomorrow morning, let alone tomorrow afternoon, without any difficulty at all. I do not know whether other Members, (having had quest time first,) foresee problems about that.

MR.BENSON O.EBANKS: Mr.President, if it would help the Member I can give him my assurance that the proposed amendments that have been circulated by the Second Official Member to the Savings Bank Bill, which was the one that would probably cause most debate, meet my objections completely, so it would only be a formality of putting those through.

HON.MICHAEL J.BRADLEY: Mr.President, Sir, I think in fairness to the House I must say that based upon the second reading speeches which were made yesterday, I and the Financial Secretary have compiled a comprehensive (we hope) list of amendments for the consideration of Members; however, having consulted with my Government colleagues, it now appears I may not wish to move all the amendments that have been circulated and in that case, it may just take slightly longer.

MR.BENSON O.EBANKS: In that case, Mr.President, I have to withdraw what I said awhile ago.

MR.PRESIDENT: Even so, I would have hoped that a day's work, and I would still myself hope, a morning's work, might get us through the committee stages of the four bills, three of which it seems to me unlikely to be controversial, and the other of which may not be too prolonged. Moreover, my understanding is that the Finance Committee meeting has several matters of some importance to cover and it may be wise to allow it rather longer than shorter time, so let us, if any other Member wishes to speak - the motion is that we do now adjourn until 10 o'clock tomorrow morning. If no other member wishes to speak, I will put the question and we will see whether the House is in favour. I will put the question - will those in favour please say Aye...

MEMBERS: Aye.

MR. PRESIDENT: Those against - No. I declare the motion carried. Finance Committee will meet at 2.30 this afternoon and the House will meet again tomorrow morning.

AT 12.15 P.M. THE HOUSE ADJOURNED UNTIL FRIDAY MORNING THE 17th OF SEPTEMBER, 1982 AT 10 O'CLOCK.

THIRD MEETING OF THE (1982) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON FRIDAY 17TH SEPTEMBER, 1982

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, CBE, JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY LLB.	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T.C. JEFFERSON	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, CIVIL AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. J. CARETON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
*MR. D. DALMAIN 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
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. 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 P.M. - Apologies received.
**Absent in P.M. Wednesday 15th September, 1982 - Apologies received

ORDERS OF THE DAY

THIRD DAY
FRIDAY, 12TH SEPTEMBER, 1986

I. QUESTIONS

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 52: Will the Member state the amount being paid for office rental for Cayman Airways's staff at Meadac Building?

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 53: Will the Member state what amount has been paid to the auditors of Cayman Airways Limited and/or Cayman Air Holdings Ltd since June, 1979?

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 54: Will the Member state when the extension of the Bluff Road to the Lighthouse on the East End of Cayman Brac will be gazetted?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 55: Will the Member state the progress being made on the Bankers Road construction and the cost to date?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 56: Will the Member state what became of a box, suspected to contain ganja, marked "W.C." landed early this year at a Kirk Vessel from Jamica, put in the Warehouse with specific instructions to hold until claimed?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 57: Will the Member state whether it is Government's intention to install a sewage dump on the property known as the Agriculture Grounds on Smith Road?

NO. 58: Will the Member state whether it is Government's intention to use airport reserve lands or property adjacent thereto for a garbage dump?

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 59: Will the Member state the amount of revenue up to the 31st August, 1986 and how does it compare with the previous year?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 60: Will the Member state if there has been any indication of an adverse effect caused by the re-imposition of import duty on jewellery, suiting, linen, silk, tapestry, watches and travelling clocks, hitherto duty-free?

THE MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 61: Will the Member state how many of the drivers of police cars, damaged during the last five years, were found guilty of careless driving and whether they are still permitted to drive police vehicles?

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

No. 62: Will the Member make a statement giving such details as possible concerning the establishment of a radio station in the Cayman Islands by Voice of America or any other foreign entity?

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

No. 63: Will the Member state whether the Personnel Adviser has completed his review of the Cayman Islands Civil Service?

2. GOVERNMENT BUSINESS

BILLS:-

COMMITTEE THEREIN

(a) The Travel Tax (Amendment) Law, 1982
(b) The Public Officers Security (Repeal) Law, 1982
(c) The Government Savings Bank (Winding Up) Law, 1982
(d) The Banks and Trust Companies Regulation (Amendment) Law, 1982

REPORTS THEREIN

(a) The Travel Tax (Amendment) Law, 1982
(b) The Public Officers Security (Repeal) Law, 1982
(c) The Government Savings Bank (Winding Up) Law, 1982
(d) The Banks and Trust Companies Regulation (Amendment) Law, 1982

THIRD READINGS

(a) The Travel Tax (Amendment) Law, 1982
(b) The Public Officers Security (Repeal) Law, 1982
(c) The Government Savings Bank (Winding Up) Law, 1982
(d) The Banks and Trust Companies Regulation (Amendment) Law, 1982

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FRIDAY 17TH SEPTEMBER, 1982

10:00 A.M.

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

QUESTIONS

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 52. Will the Member state the amount being paid for office rental for Cayman Airways staff at Nuedan Building?

ANSWER:

This is a question relating to the operation of a limited liability company under the rules and regulations as set down under the Companies Law and divulgence of this information could be detrimental to the Company's operation. The answer will be given in the Finance Committee where secrecy should prevail.

SUPPLEMENTARY:

MISS ANNIE B. BODDEN: Mr. President, I should like to make a statement, and then ask a question, and I hope my answer will not be in due course. When will this come about that we shall have this information?

HON. JAMES M. BODDEN: In due course as requested.

MISS ANNIE B. BODDEN: Mr. President, I said I hoped the answer would not be in due course. I did not request it.

HON. JAMES M. BODDEN: Mr. President, in due course, because I do not know when the Member will request it, I cannot read her mind.

MISS ANNIE B. BODDEN: Mr. President, I am a very reasonable Lady and I do not expect anybody to read my mind. I wish I could read some people's.

MR. PRESIDENT: Order, order.
If there is no further supplementary, perhaps we may pass to the next question, No. 53.

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

NO. 53: Will the Member state what amount has been paid to the auditors of Cayman Airways Limited and/or Cayman Air Holdings Ltd since June, 1979?

ANSWER:

This is a question relating to the operation of a limited liability company under the rules and regulations as set down under the Companies Law and divulgence of this information could be detrimental to the Company's operation. The answer will be given in the Finance Committee where secrecy should prevail.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. Would the Member state whether he has familiarized himself with the contents of

MR. BENSON O. EBANKS (CONTINUING): Erskine May's Parliamentary Practice, particularly page 326, dealing with nationalised companies which I mean, a company owned by the nation which is the case with Cayman Airways. And would the Member say whether or not in that section it is not held that Ministers, which is what he is playing at when he is called a Member, are not obliged to ask questions on such companies which do not pertain to the day-to-day operations of the company, which I maintain my question not to be and which he would have given a similarly rude answer to if he had placed on the Table of this House the Accounts of these companies as he should have done, and then I would not have had to ask the question, it would have been available to me from these documents?

MR. PRESIDENT: Could the Honourable Member repeat the reference in Erskine May for me.

HON. TRUMAN M. BODDEN: That is what I would like, the edition.

MR. BENSON O. EBANKS: I refer to the 18th edition, Mr. President, and I think it was page 326, and you will find it under 5 where it refers to questions other than the day-to-day operations of the company or information that would normally be available from the annual reports and the accounts of the company, and which we should have had.

MR. PRESIDENT: I have the 19th edition, so the reference does not help me too much. I wonder if I might borrow the Honourable Member's copy for a moment, and perhaps I can find the same bit in mine.

HON. TRUMAN M. BODDEN: Mr. President, once you have looked at that paragraph I would like to, on a point of order, if I may just address you.

MR. PRESIDENT: I would like just to look at the paragraph first, if I may.

MR. BENSON O. EBANKS: Mr. President, I might add that almost that whole page deals with that type of question and operation, Sir.

MR. PRESIDENT: I found the same reference in mine, but I do not think it makes your point. It says that questions related to nationalised industries are restricted to those matters to which a minister is made responsible by the statute concerned. And it goes on to say, 'although the statutes also confer on ministers power to obtain information from the boards or governing bodies successive governments have refused on grounds of public policy to answer questions seeking information on the day-to-day administration of the industries, or on administrative matters contained in the annual reports of the industries".

MR. BENSON O. EBANKS: That is the point I am making, Mr. President. Had we been given the annual report with the accounts this would be information that would be available to us.

MR. PRESIDENT: Perhaps if you had asked the Member whether the annual report would be laid, that might have been more helpful to you.

MR. BENSON O. EBANKS: That question was asked at an earlier session, Sir, and we were told in due course.

MR. PRESIDENT: That was the annual accounts you are meaning.

MR. BENSON O. EBANKS: Yes, Sir.

MR. PRESIDENT: Now, another Honourable Member had a point of order to raise or perhaps ...

HON. TSIONN H. BODDEN: I think that your having read the section is basically what I was going to say, Sir. There is no specific answer in this instance.

MR. PRESIDENT: Well, my ruling, if I am required to make a ruling, is that my interpretation of Erskine May is that the Member responsible could not and should not be required to answer the question here, and that in undertaking to make the information available to the Finance Committee he has gone at least as far as, and probably slightly further than Erskine May would require.

MR. BENSON O. EBANKS: I bow to your ruling, Mr. President, but I maintain this is not a day-to-day operation of the company.

HON. JAMES M. BODDEN: Mr. President what the Member has said a-while ago has raised several points which I would like to reply to. First of all the answer to the question was left here in the Assembly yesterday afternoon with a request that it be typed and be ready for submission this morning. If that had been carried out it would only have been the Secretary that typed it and the Sergeant-at-Arms who had it in his possession that would have known the reply. I am quite shocked that the Member apparently knew the reply, and had apparently checked out Erskine May's to determine what Erskine May's had to say. But in regards to Erskine May my fellow colleague from Bodden Town and myself in the previous years in this House had quoted many of the things from Erskine May and other parliamentary procedures and yet the administration that the honorable Member was piloting at that time would never agree to stand by them, so I am quite shocked to know that all of a sudden the Standing Orders of the House have been thrown aside and we are asked to accept Erskine May's

He spoke about the audit not being tabled in the House. Mr. President, the financial year ending of Cayman Airways is June 30th of 1971, and this happens to be the 19th day of September in 1969. I wonder whether the Member is expecting miracles out of the staff that they find so many things wrong with.

Mr. President, I will wind up by saying, that in previous years, again the administration which the honourable Member played such a prominent part in, that my colleague from Bodden Town and I asked questions repeatedly about Cayman Airways when it was under the umbrella and operated by the benevolence of Lacsa, and the Cabinet at that time, their stock answer was the same one I gave this morning. The company rules have not changed, the Standing Orders of the House may have changed a little, but not that much, so I find it difficult to understand why the Member would have so much to say about it when this was the reply that was usually given, and if I am doubted on that, Mr. President, the Hansards of the House can be brought out and researched.

MR. BENSON O. EBANKS: Mr. President, do I have a right of reply to that statement, Sir?

MR. PRESIDENT: Well, as long as it is very brief.

HON. JAMES M. BODDEN: Mr. President, if he does I may have a reply to request on that, because he has stated his case, I have stated mine.

MR. PRESIDENT: I do not think question time should be used to excessive length for statements or exclamation of one kind or another.

MR. BENSON O. EBANKS: Except, Mr. President, certain allegations were made against officers of this House, which I would like to clear up. If the Member recalls he himself indicated just only what his answer to this question and the previous question were going to be -(Mr. President: Yes he did.) - that is why I researched the matter. I had no information from the Clerk or the Sergeant, and I still do not know what he is talking about being typed.

MR. PRESIDENT: I accept that explanation: the Member did indicate what he was going to say.

MR. BENSON O. EBANKS: And with regard to the conduct of the 1972 to 1976 administration, Mr. President, I made it clear that it was my submission, the information I am seeking is not day-to-day operating information. (Mr. President: Yes, but I ruled). The difference with that and the questions which the Honourable Member sought was that he wanted to know the cost of toilet paper and all of that: that is day-to-day operations.

I do not expect miracles from Auditors, but, Mr. President, it does not take eternity to produce 1981 accounts in September, 1982, and this House has yet to receive the accounts for Cayman Air Holdings or the consolidated accounts which is the only account that is going to tell the true story of that operation.

MR. PRESIDENT: I think we are straying on to further ground now, if the Honourable Member had wished to ask about the 1981 accounts we should have had a question on that subject rather than .....

MR. BENSON O. EBANKS: I did not ask anything about accounts other than what was paid to auditors.

MR. PRESIDENT: I think we have had enough about this now, and I think that .....

HON. JAMES M. BODDEN: Mr. President, I beg the indulgence of the House to reply to my learned colleague.

Mr. President, I would challenge this House to research the Hansards back from the year 1972 and find out if my colleague and myself ever wasted the time of the House by requesting a question about the amount of toilet paper used on Cayman Airways, or things of that nature that would be so frivolous. We tried to find out what was going on in the operation of Cayman Airways Limited, and it was never made known to us. The Member is quite aware of the problems associated with the financial staff of Cayman Airways for the last many many years. It is no secret that a committee of this House went so far as to push for the approval of people to be brought in as additional staff from the Miami area, which was very expensive in order to get the accounts of Cayman Airways brought up-to-date.

Mr. President, I cannot be charged with everything in connection with Cayman Airways, I am not an accountant, neither am I an auditor. I will table them in the House when the time comes when they are prepared and handed over to me until such time I will be in the dark as much as they will be.

MR. BENSON O. EBANKS: Mr. President, I am not going to argue and waste question time anymore but I am going to reply to this at a later stage in the proceedings, Sir.

MR. PRESIDENT: I think we will proceed with the next question.

HON. JAMES M. BODDEN: Let us proceed at a later time in the proceedings, Mr. President.

MR. PRESIDENT: Order, order.
Next question. The Second Elected Member for the Lesser Islands.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS & WORKS

NO. 54. Will the Member state when the extension of the Bluff Road to the Lighthouse on the East End of Cayman Brac will be gazetted?

ANSWER: Government has no definite intention of gazetting the continuation of the Bluff Road to the Lighthouse at the present time.
The road presently proposed was gazetted in accordance with the funds that were available.

HON. PRESIDENT: If there is no supplementary question, perhaps we can move on to question No. 55.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 55. Will the Member state the progress being made on the Barkers Road construction and the cost to date?

ANSWER: Between 8th March and 9th July, 1981, approximately 2,500 feet of road was constructed at a cost of CI$27,000. Final grading and rolling of the marl surface is to be done later in the year when equipment becomes available.

SUPPLEMENTARIES.

HON. BALMAIN D. EBANKS: A supplementary, Mr. President. Could the Member say how much more of the road is to be finished, the distance of it or the length of the road that is to be finished?

HON. G. HALT BODDEN: Mr. President, the Finance Committee approved a sum of $300,000.00 to be spent on this road during this year. The amount of work that has been done has brought it up to one of the dyke roads which is considered a suitable point to break off the work. There is still a large amount of road to be built, I am not in the position to give the exact measurement, but it is very unlikely that it will extend beyond the 2,500 feet that the rough work has been done on this year. It is the intention to finally take the road to the end of Pinnacle Point, I believe the name of the place is.

HON. NELSON O. FRANK: Supplementary, Mr. President. When this money was voted it was said that private individuals were prepared to contribute to the cost of this road, could the Member state whether any such contributions have been received, and if so, the approximate amount?

HON. G. HALT BODDEN: Mr. President, the response from the land owners has been very poor indeed. We have received one or two small payments which have been put in escrow but if the road is to be built it is my opinion as it was in the beginning, that Government will have to foot at least 90% of the cost. In fact some of the land owners have been very elusive in their replies, in saying that Government had built roads in other areas and there is no reason why they should not build the Barkers Road.

MR. BALMAIN D. EBANKS: Another supplementary, Mr. President. Could the Member say whether Government intends to pursue the issue of getting money from these land owners?

HON. G. HAIG BODDEN: Government has written to all the land owners. I may explain what had really happened. It was thought that it would be good to open up the Barkers area as it has a very good beach. The existing road or track runs very close to the shore line, it was felt that the road could be put back further, some of it would go through a large swamp, by realigning the road about 400 feet from the seashore would give the developers a chance to build on the seaside of the road and would greatly enhance the value of the property, and this is why it was felt as reasonable to ask those developers who would benefit from this road with the increased value of their land to make small contributions towards the cost. This had been triggered because one or two developers in the beginning had written to Government, saying, that if Government would simply gazette the road they would be prepared to build it. By the time action had been taken to gazette the road and Government had made known its intention to build the road one of these developers wrote to say that he would be prepared to build the road that span his property. The catch there was that Government would have had to build a mile and a half of road before they got up to him.

So it has been the old story where there is always people saying, we are willing to do this until the time comes to put up the money, but it is the intention of Government one day to complete this road, but we are in no hurry to do it at the present time. The money which has been voted for this year is about exhausted and will be exhausted before the year is out when the final rolling and grading of the road is complete.

MR. PRESIDENT: If there is no further supplementary, may we pass on to question No.56.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

No.56. Will the Member state what became of a box, suspected to contain ganja, marked "W.C. landed early this year as a Kirk Vessel from Jamaica but in the Warehouse with specific instructions to hold until claimed?

HON. G. HAIG BODDEN: Mr. President, I have the answer which I am about to read, but I would just like to point out that there are some inaccuracies in the question, and I would like to bring that to the attention of the House, because I feel any Member bringing a question must comply with Standing Order 23(1)(b) which makes the asker of the question responsible for any statement of fact contained in it. That statement, "with specific instructions to hold until claimed" is not known to have existed. I was informed by the Port Director that he had no specific instructions to hold this box.

ANSWER:

No box marked "W.C." landed early this year from Jamaica. Also, no box was suspected to contain ganja.

However, in November 1981, 2 boxes, documented as containing printed books, arrived from Jamaica. The boxes were stolen. An employee of the Port was charged with theft. He was acquitted by the Court on 8th March, 1982.

SUPPLEMENTARIES:

MISS ANNIE E. BODDEN: Mr. President, Sir, with your permission I should like to make a statement, and it is this, that my question Annie Huldah Bodden brings to this House she has real sound authentic information so to do.

HON. G. HAIG BODDEN: Mr. President, I do not mind about her questions, but with this particular one, the question says, 'a box marked W.C.'. There was no box marked 'W.C.', two boxes arrived, and I have the bill of lading here, they were marked 'U.S.C.', they were shipped from

HON. G. HAIG BODDEN (CONTINUED): Kingston bookshop. I was informed no such place exists. The two boxes weighed 395 pounds, the boxes were in the Warehouse, the Port Director had no instructions on the question ever, to hold them, so the statements in this question are definitely inaccurate. They were not suspected to contain guns the Port Authority had no reason to believe that they contained guns, the boxes had come as all other boxes come, fully manifested. The contents of the parcels, two packages containing printed books, the name of the shipper, Kingston Bookshop, they were simply marked "D.E.C.".

Now, the Port Authority made enquiries and they have not yet found out any business place in Cayman or any person answering to the description of 'D.E.C.', but definitely two boxes came in, they were stolen, the person who was alleged to have committed the theft was charged by the Police. The case went to Court and he was acquitted.

MR. BENSON O. EBANKS: Mr. President, a supplementary, and it is in two parts, Sir. Would the Member agree that in the same way that askers of questions are responsible for the accuracy of the facts stated that the answerer of the question is likewise responsible for the factual accuracy of the answers that he gives. The second part of the question is, can the Member state categorically that an order was not given from an Officer of the Port Authority to the Warehouse Keeper not to deliver those boxes?

HON. G. HAIG BODDEN. The answer to the first part of the question is, yes. The second question, if I understand it right is, can I say if an order was not given? I cannot say if an order was not given, but if the Member asking the question is responsible for the fact, why does he not say what order was given by whom, and I can enquire if the order was given and by whom.

MISS ANNIE H. BODDEN: Mr. President, Sir, with your permission I should like to ask the Honourable Fourth Elected Member if he is aware of the fact that the box that I am referring to was carried away, left at Rock Hole, and later removed by a red truck?

HON. G. HAIG BODDEN: The boxes in question were taken from the Warehouse, the Police did not remove them. If the Lady Member knows where the boxes went, I think it is her duty to inform the Police.

MISS ANNIE H. BODDEN: Mr. President a statement, Sir. I think it is the duty of the Custom Officers and the Port Authority to know their job, not Annie Huldah Bodden.

MR. PRESIDENT: Order, Order. I think we are having too many statements and too few questions.

HON. G. HAIG BODDEN: Mr President I think I should answer that. The Port Authority is responsible for the packages, these two packages were stolen by an employee or it was alleged that the packages were taken by an employee, the matter was turned over to the Police and they made an investigation, the case went to court, the Magistrate felt that there was insufficient evidence to convict the accused and the accused was subsequently acquitted but the Port Authority did do what it was supposed to do in the circumstances, nobody could anticipate that an employee would have stolen the boxes.

MR. BENSON O. EBANKS. Mr. President, a supplementary, Sir. I wonder if the Member would undertake to be a little less long-winded in his replies in future.

MR. PRESIDENT. Order, order. The Honourable Member need not answer that.

HON. G. HAIG BODDEN: Yes, only to say that the questions are long-winded, and the answer therefore has to be long-winded.

MISS ANNIE H. BODDEN: Mr. President, with your permission, Sir, I am asking about one box, not two boxes, I know all about the two, I am asking about one box, and that is what I would like to have a reply on.

MR. PRESIDENT: I take it that the Honourable Member was unable to identify any box that answers to the description that you had given, and that he did his best to reply by reference to boxes which most nearly answered the description, and I think that on that basis the answer was quite in order.

I think I would like now to move to the next question, if we may.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.57. Will the Member state whether it is Government's intention to instill a sewage dump on the property known as the Agriculture Grounds on Smith Road?

ANSWER:

No.

MR. PRESIDENT: If the brevity of the answer is such that there is no supplementary, perhaps we will pass on to the next question.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS.

NO. 58. Will the Member state whether it is Government's intention to use airport reserve lands or property adjacent thereto for a garbage dump?

HON. G. HAIG BODDEN: Mr. President, you will notice my answers are really not as long-winded as the questions.

ANSWER: No.

MR. PRESIDENT: I am sure the House is most grateful to the Honourable Member for the very full answers given.

If there is no supplementary question, may I ask the Second Elected Member for the Lesser Islands to ask the next question.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.59. Will the Member state the amount of revenue up to the 31st August, 1982 and how does it compare with the previous year?

ANSWER:

Revenue up to 31st August, 1982 amounted to $35,061,355 compared to $29,428,237 collected during the same period in the previous year, representing an increase of 20.53%.

SUPPLEMENTARY:

CAPT. C.L. KIRKCONNELL: A supplementary, Mr. President. Could the Member state what areas or what has the revenue been increased from. What particular area or areas?

HON. THOMAS C. JEFFERSON: Mr. President, the answer. There are eight main revenue earning heads of Government, all of these areas have formed the 20.53%.

MR. PRESIDENT: If there is no further supplementary, perhaps we may pass on to the next question.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

10 (d). Will the Member state if there has been any indication of an adverse effect caused by the re-imposition of import duty on jewellery, suiting, linen, silk, carpetry, watches and travelling clocks, hitherto duty-free?

ANSWER-

As far as can be determined, there has been no indication of an adverse effect caused by the re-imposition of import duty on the commodities listed in the question.

There is no evidence of any significant change in imports of these items during the past 8 months, nor no complaints of any adverse effect have been received from the private sector on this matter.

SUPPLEMENTALLED:

MR. NORMAN W. BODDEN: A supplementary, Mr. President. During the debate of the Bill which dealt with the re-imposition of duty on these items Members were told that any effect on tourism would be carefully watched. I would like to know if any exercise has actually been undertaken by Government to establish whether or not this has affected tourism and/or duty free shopping?

HON. THOMAS C. JEFFERSON: Mr. President, I am not aware of any such exercise.

CAPT. C.L. KIRKCONNELL: Mr. President, a supplementary. Is the Member aware that the U.S. Virgin Islands have just lifted the duty on jewellery, also?

HON. THOMAS C. JEFFERSON: Mr. President, I am not aware of what is taking place in the British Virgin Islands, Sir.

CAPT. C.L. KIRKCONNELL: U.S.

HON. THOMAS C. JEFFERSON: I am sorry, U.S. Virgin Islands.

MR. NORMAN W. BODDEN: Mr. President, a supplementary, Sir. Has any representations been made from the duty free shop keepers of their concern that this measure has substantially changed the image of these Islands as a free port?

HON. THOMAS C. JEFFERSON: Mr. President, I am not aware of any representation, I think the question is real; is a very difficult one to answer, unless Government has a history of annual sales of these items, which we do not, and without that information it is difficult to say specifically whether the import duty is really affecting the sales or whether it is the expenditure of the tourists being less than it was born in the past. It is difficult to say that the imposition of duty really is affecting any sales without proper and factual information.

MR. BENSON O. EBANKS: Mr. President, could the Member state whether duty is being collected on black coral in its raw state?

MR. PRESIDENT: I am not sure that really is a supplementary, but if the Honourable Member cares to answer it.....

HON. THOMAS C. JEFFERSON: Mr. President, I am not sure where black coral fits in its raw state in the question.

MR. BERSON O. EBANKS: It falls under jewellery, Mr. President. Without the benefit of the law I am unable to state specifically, but I remember clearly when this exercise was going on that black coral was or manufactured came up, and this House was given the assurance that the duty would not apply to the raw black coral, and I understand that it is being charged duty, that is why I am asking the question.

HON. THOMAS C. JEFFERSON: Mr. President, just for information of the Members, there are a number of Amendments to the Customs Law being proposed which cover many areas, not mainly dealing with duty, but many areas in order to make the law a bit more comprehensive and to bring it up-to-date. It is possible that within those Amendments that the Honourable Members of the House can put forward their comments as well.

MR. BERSON O. EBANKS: That is very generous of the Member, but it seldom helps.

MR. PRESIDENT: If there is no further supplementary, perhaps we can pass to the next question.

THE MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 81. Will the Member state how many of the drivers of police cars, damaged during the last five years, were found guilty of careless driving and whether they are still permitted to drive police vehicles?

ANSWER:

Of the twenty-one drivers involved in accidents over the past five years, two have left the Force, two are no longer permitted to drive police vehicles, one was prosecuted by the Police in 1993 for careless driving and found not guilty by the Magistrate, two are currently awaiting disciplinary proceedings and the remainder are still driving police vehicles.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, one supplementary. Could the Member say of the two that are not permitted to drive police vehicles, would one of them be the one that ended up in a gas station with his head loaded with turtle grass?

HON. D.H. FOSTER: I think the one referred to by the Member, Sir, is one that is probably awaiting disciplinary proceedings.

MR. CRADDOCK EBANKS: Mr. President, I think it ought to be more than disciplinary measures carried out there.

MR. PRESIDENT: Order, order. The Member must ask questions, not make statements.

MR. CRADDOCK EBANKS: I apologise, Sir.

MR. PRESIDENT: If there is no further supplementary, perhaps we may pass to the next question.

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

NO. 82. Will the Member make a statement giving such details as possible concerning the establishment of a radio station in the Cayman Islands by Voice of America or any other foreign entity?

ANSWER:

There is no present expectation that any such station will be established.

SUPPLEMENTARY:

MR. BENSON O. ERBES *A supplementary, Mr. President. Would the Member undertake that if in future this expectation changes that Members of this honorable House would be kept advised of developments?*

HON. D.H. FOSTER: *Certainly, Mr. President. If the nature of the information is such that the Government decides we can divulge it, we will certainly do so, Sir.*

MR. PRESIDENT: *I think it there is no supplementary we might actually get to the last question today.*

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

NO.03. *Will the Member state whether the Personnel Adviser has completed his review of the Cayman Islands Civil Service?*

ANSWER:

The Personnel Adviser has not completed his review of the Cayman Islands Civil Service, although considerable in-roads have been made, hence the availability of the figures for Miss Annie Bodden's question.

The review is aimed at establishing any surpluses of staff and reduction by transfer and wastage. This means examination of individuals posts in working conditions and will take some time.

In the meantime only new posts which can be shown to be patently in the public interest will be considered by His Excellency.

SUPPLEMENTARIES:

CAPT. C.L. KIRKCONNELL: *A supplementary, Mr. President. When is the review expected to be completed, Sir?*

HON. D.H. FOSTER: *Mr. President, it depends on exactly what the Member means by the review? There are a host of things going on. We are preparing the base for computerization, a host of cards, a card system, all of that is being done to be able to just pin point accurately the number of persons, their salaries and everything in the service. The officer is here, if I remember correctly, for two years on a contract, and hopefully it will be finished by then, I am pretty sure. It is a general sort of routine and tidy up job, not for anything one specific, trying to get proper officers in the right jobs and so on and so forth, it is not really confined to any sort of specific thing.*

MR. BENSON O. EBANKS: *A supplementary, Mr. President. Would the Member state whether the exercise in place includes the identification of promising people within the service, and steps to see that these people are possibly placed in a position to succeed senior staff when they exit from the service?*

HON. D.H. FOSTER: *Definitely so, Sir, that is the big part of it.*

MR. PRESIDENT: I think question time is now over, and I congratulate the House on succeeding in completing all the questions for once.

The House will now go into committee to study the Bills committed to it during this meeting. The House is now into committee.

THE TRAVEL TAX (AMENDMENT) LAW, 1982

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENTS OF SECTION 3 OF LAW 11 OF 1976.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I think in the printed copy I have before me, on the second line in the word "therefore" the last letter "e" should be deleted. I think it is merely a typographical error.

MR. CHAIRMAN: It has been deleted in manuscript in mine, and I was not quite sure whether that counted or not, but the committee will note that that correction will be made.

If there is no further debate I will put the question that Clause 2 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE TRAVEL TAX LAW, 1976.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on a Bill entitled "The Travel Tax (Amendment) Law, 1982". We turn next to The Public Officers Security (Repeal) Law, 1982.

THE PUBLIC OFFICERS SECURITY (REPEAL) LAW, 1982

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. REPEAL OF CAP. 142.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO REPEAL THE PUBLIC OFFICERS SECURITY LAW (CAP. 142).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings on "The Public Officers Security (Repeal) Law, 1982". The next Bill committed is "The Government Savings Bank (Winding Up) Law, 1982".

THE GOVERNMENT SAVINGS BANK (WINDING UP) LAW, 1982

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION. CAP 64.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AUTHORITY TO WIND UP GOVERNMENT SAVINGS BANK.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. CESSATION OF DEPOSITS.

QUESTION PUT. AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. REPAYMENT OF DEPOSITS WITH INTEREST .

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. DEFICIENCY TO BE MET FROM GENERAL REVENUE.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. STATEMENT TO BE PUBLISHED BY FINANCIAL SECRETARY.

QUESTION PROPOSED:

HON. BENSON O. EBANKS: Mr. Chairman, during the Second Reading, Sir, I made the point that I did not see where Section 7 was necessary nor did it serve any useful purpose since there is no provision anywhere else in the law as far as I can see for this list to be used, in other words it is merely by way of information as I see it. I made the point that I thought that it was contrary to the section in the Government Savings Bank Law which forbids persons other than the staff engaged there or for the staff to divulge to anyone other than the Financial Secretary the names of depositors and the amounts standing to their names. I see that this goes further and asks for persons who deposited the money or if it was not in their names and of persons claiming, and the address of persons claiming and so on. I do not see where it serves any useful purpose; and I notice that the Second Official Member did make or circulate an intended amendment to take this out, but no doubt this is one that he has had second thoughts on after consultation with his colleagues.

HON. TRUMAN M. BODDEN: Mr. Chairman, this list is very usually in the winding up of companies and it is coming into Executive Council, which is under oversight, and I think it is important that the Government should know what assets it is dealing with as do the shareholders and the liquidators in a normal company when it is being wound up. So I see no reason not to leave it in, I think it is important, and it is usual with winding up of companies and banks.

HON. BENSON O. EBANKS: Mr. Chairman, I would have thought that such information would have come naturally by way when the names of unclaimed monies were published under Clause 11, that would automatically come to the attention of Government. If it does something for the ego of the Members of Executive Council to see this list, Sir, I am not going to fight it, I just said that I did not see any use for it.

HON. TRUMAN M. BODDEN: Mr. Chairman, with respect, I have sat here and listened to that Member consistently make my remarks and the time has come for him to stop this.

HON. PRESIDENT: Unless any Member has an amendment to propose to the Clause I propose to put the question on it.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. SURPLUS TO BE PAID INTO GENERAL REVENUES.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. SETTLEMENT OF DISPUTES.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in accordance with Standing Order 52 (1) and 52 (2) I beg leave of the Chair to move an amendment of which notice has not been given.

MR. CHAIRMAN: Leave is granted.

HON. MICHAEL J. BRADLEY: Thank you, Mr. Chairman.
I would move that in Clause 9 the words "and shall be final to all intents and purposes, without any appeal", be deleted therefrom.

If I may briefly explain to the Honourable Members that my intentions in deleting those words is to restore to any person aggrieved under this section the normal right of recourse to the Grand Court from the determination of the Arbitrator on the normal grounds on which such appeals from arbitration may be made.

MR. CHAIRMAN: The motion is that in Clause 9 the words "and shall be final to all intents and purposes, without any appeal" shall be deleted from the Clause.
Does any Honourable Member wish to speak on that proposed amendment? I will put the question then, that the amendment be made.

QUESTION PUT: AGREED.

MR. CHAIRMAN: Does any Member wish to speak on the Clause as amended. If not, I will put the question that Clause 9 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 AS AMENDED WAS PASSED.

CLERK: CLAUSE 10. NON-LIABILITY OF GOVERNMENT ETC. FOR ACT DONE IN GOOD FAITH.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in accordance with Standing Order 52(1) and 52(2) I beg leave of the Chair to move an amendment of which notice has not been given.

MR. CHAIRMAN: Leave granted.

HON. MICHAEL J. BRADLEY: I move the following amendment:- In Clause 10, that the words "with a wrongful payment or act but the person aggrieved may recover such sum as is lawfully due to him from the person to whom it was paid", be deleted therefrom and the words "with such payment or act but such person as is lawfully due payment of such sum as may have been paid out in good faith shall be entitled to payment of such sum and the Financial Secretary may recover such sum from the person to whom it was originally paid in error", substituted therefor.
If I may, Sir, explain that in the Bill as it presently stands, if an amount has been paid out by the Financial Secretary or other person in good faith to a person who is not entitled to the money, the recourse of the real owner of the money is to institute proceedings from the person to whom the money was wrongfully paid.
The proposed amendment, Mr. Chairman, is to provide that if a person has been wrongfully paid that the Financial Secretary may still pay out the money due to the rightful owner of the money, and it is up to he, the Financial Secretary, or whoever else paid

HON. MICHAEL J. BRADLEY (CONTINUING): it out to institute proceedings to recover the money from the person to whom it was wrongfully paid. I would comment this to the House.

MR. CHAIRMAN: The motion is, that the Clause be amended in the sense just read out by the Honourable Second Official Member. Does any Honourable Member wish to speak on the amendment? If not, I will put the amendment first. The question is, that Clause 10 of the Bill be amended in the manner set out in the slip delivered a moment ago to all Members.

QUESTION PUT: AGREED. CLAUSE 10 AMENDED.

MR. CHAIRMAN: I will now put the question that Clause 10 as amended stand part of the Bill, unless any Member first wishes to speak on that Clause as amended.

QUESTION PUT: AGREED. CLAUSE 10 AS AMENDED WAS PASSED.

CLERK: CLAUSE 11. MONIES REMAINING UNCLAIMED TO BE ADVERTISED.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in accordance with Standing Order 52(1) and 52(2) I beg leave of the Chair to move an amendment of which notice has not been given.

MR. CHAIRMAN: Leave granted.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I have taken in this instance the slightly unusual step of drafting two amendments, may I have your permission? I will read and propose the first amendment and then explain why there is a slight variation that I would commend to this Honourable House.

The proposed amendment is, that in Clause 11 the words "a newspaper" be deleted therefrom and the words "or newspapers" substituted therefor. As the Clause presently stands, Mr. Chairman, there is a requirement regarding advertising in the Gazette and in a newspaper published in the Cayman Islands. In the Second Reading speeches Honourable Members indicated that they considered it desirable that this Clause be amended in committee stage to provide for advertising in the Gazette and in all newspapers published in the Cayman Islands, and the amendment proposed by me is in accordance with these intimations.

However, there is an alternative motion to Clause 11, which the Serjeant will be distributing for Honourable Members in which I have given the alternative form of words, "and in two newspapers published in the Cayman Islands". The reason for this, Sir, being, as I understood it, the wish of the Members was, that there be advertisement in two different newspapers. If we now at this moment in time stipulate all newspapers published in the Cayman Islands there is no difficulty, however, anticipating the future when there may be a multiplicity of newspapers the requirement of advertising could in the future become quite onerous, Sir, and that is why, even though I proposed the wording "or newspapers" I myself would be quite happy if that instead read "two newspapers".

MR. BENSON O. EBANKS: Mr. Chairman, I am not certain whether - (I do not even remember what the law was called now, the Printing of Papers Law or something) - if there is a definition for "newspaper". What I am really getting at is, if a pamphlet or a hand bill is not defined as a newspaper, and the definition of a newspaper is what we normally would - in other words, for example, the Times and the Compass. If that is what is meant by newspapers under the law, I really do not see any problem with leaving it "or newspapers", because I do not think - one or both of those may change hands, but I do not see anybody coming into the competition.

HON. MICHAEL J. BRADLEY: I was perhaps being over cautious, Mr. Chairman, on the technicalities as a lawyer of compliance with the law. In case somebody at a time in the distant future attempted to make a claim on the basis that the law had not been complied with in regard to advertising in all newspapers and purporting to establish that other publications appearing either now or in the future in the Cayman Islands could be classified as newspapers. If the House is happy with the proposed amendment as I have originally phrased it, I have no great feelings on the matter, Sir.

MR. BENSON O. EBANKS: Mr. Chairman, that was really the point I was seeking direction on. If it is possible that a litigant could claim that any publication is a newspaper, then I go along with his second proposed amendment. I do not think that Government should be called upon to publish it in every little hand bill or pamphlet that is published within the Islands.

MR. CHAIRMAN: I think the Attorney General's point was, that there may be a danger if you leave the wording as all newspapers, of somebody taking a case to court and you cannot be absolutely sure what the outcome will be.

MR. BENSON O. EBANKS: Yes, but what I am really asking for, Sir, could not we be directed by the Second Official Member as to whether in the - I think it is Publication of Papers Law or something - whether there is a strict definition for "newspaper".

HON. MICHAEL J. BRADLEY: If the Honourable Member would be patient I will appraise both himself and myself hopefully.

MR. BENSON O. EBANKS: I believe the other name for the Law was the Voice Law, or something like that. (LAUGHTER)

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in the Printing of Papers Law, which was passed by this Honourable House no later than last year "paper" is defined in the Interpretation Clause, meaning "a handbill, circular, notice, newspaper, periodical or magazine containing public news, intelligence or occurrences, or any remarks or observations thereon, printed for sale or in order to be distributed or dispersed". There is not contained in that Law nor, as far as I am aware, Sir, in any other written Law within these Islands an exact definition of "newspaper", and perhaps it is out of an abundance of caution that I was preferring this second form of amendment, but if the House feels that they want it in "all newspapers" .....

MR. BENSON O. EBANKS: So, Mr. Chairman, I think that the Second Official Member, his second alternative is the one that I would recommend that people go along with.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, since "newspaper" is defined as "magazines", I think we should add the word "two daily newspapers". I think this is the intention of Members here.

MR. CHAIRMAN: Not daily.

MISS ANNIE H. BODDEN: Not daily, they are not daily, local we will have to put.

HON. MICHAEL J. BRADLEY: Mr. Chairman, perhaps with your permission and the permission of the other Honourable Member, the definition that I read out from the Printing of Papers Law defined "paper" not "newspapers", and the word "newspapers" is one of the number of phrases used in the definition of "papers".

CAPT. C.L. KIRKCONNELL: Sorry, Sir, I misunderstood.

HON. THOMAS M. BODDEN: Mr. Chairman, it seems very simple, if there is any doubt just take "two newspapers", we publish it in two and that ends it, and it would save the House a lot of time, Sir.

MR. CHAIRMAN: I concede that the House probably would prefer the amendment that refers to two newspapers, and what I plan to do is to put the question about that amendment first, and if we carry that then we can assume that is what Members want.

So the proposed amendment is, that in Clause 11, the words "a newspaper" be deleted therefrom and the words "two newspapers" substituted therefor.

QUESTION PUT: AGREED. CLAUSE 11 AMENDED.

HON. THOMAS M. BODDEN: Mr. Chairman, I know it is gone, but I would just caution the House, if there are not two newspapers it would not be able to finish it.

HON. D.H. FOSTER: I do not see any difficult in it, Mr. Chairman, because it is not going to take that many years to wind up the thing anyhow, probably in six months it will all be over.

MR. CHAIRMAN: Well, I think it, yes.

HON. MICHAEL J. BRADLEY: And there is, Mr. Chairman, the doctrine of impossibility of fulfilment of the statue. (LAUGHTER)

MR. CHAIRMAN: I will now put the question that Clause 11 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 11 AS AMENDED WAS PASSED.

MR. CHAIRMAN: Before the Clerk reads the next Clause I am wondering whether Members would like the usual brief suspension, and whether they would see any objection. We are a little bit late in taking it now in the middle of this Bill. Would Members welcome that?

HON. D.H. FOSTER: That is alright, you can take it now.

MR. BENSON O. EBANKS: Mr. Chairman, I think it is customary to take it around this time because of the lapse.

MR. CHAIRMAN: Yes.

HON. MICHAEL J. BRADLEY: We may be spending a few more moments on the last two clauses.

MR. CHAIRMAN: Can I suspend the committee for fifteen minutes? I think, let us try and keep it fairly strictly to fifteen minutes, and then with that we shall manage to finish proceedings this morning.

HOUSE SUSPENDED

HOUSE RESUMED

CONTINUATION OF COMMITTEE THEREON OF THE GOVERNMENT SAVINGS BANK (WINDING UP) LAW, 1967

CLERK: RESULT OF NO CLAIM MADE.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in accordance with Standing Order 52(1) and 52(2), I beg leave of the Chair to move an amendment of which notice has not been given.

MR. CHAIRMAN. Leave granted.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I move that in Clause 12 the words "later of the dates on which the Gazette or newspaper" be deleted therefrom and the words "the last of the dates on which the Gazette or newspapers" substituted therefor.

Mr. Chairman, Sir, in explanation, this is a brief consequential amendment following upon the amendment that this Honourable House saw fit to make to Clause 11 of the Bill whereby advertising was directed in the Gazettes and in two newspapers.

MR. BENSON O. EVANS: Mr. Chairman, I am not sure whether I could be ruled out of order for anticipating or not, but could .....

MR. CHAIRMAN: If it may be helpful if I may, what I would propose is that first we should debate this amendment and then if that amendment is accepted, well, once it has been accepted or not, we should resume debate on the Clause as amended which would give any Member the opportunity to make another point or suggest a further different amendment. Does that help you? I think we should .....

MR. BENSON O. EVANS: All I was going to ask, Mr. Chairman, was whether the Second Official Member proposed any other amendments to this Clause?

HON. MICHAEL J. BRADLEY: No, Sir.

MR. CHAIRMAN: Let us first deal simply with this amendment, and then we resume debate on the remainder of the Clause.

The question is that in Clause 12 the words "later of the dates on which the Gazette or newspaper" be deleted therefrom and the words "the last of the dates on which the Gazette or newspapers" substituted therefor. Does any Honourable Member wish to speak on that proposed amendment? I will put the question.

QUESTION PUT: AGREED. CLAUSE 12 AMENDED.

MR. CHAIRMAN: We may now resume debate on the Clause as amended.

MR. BENSON O. EVANS: Yes, Mr. Chairman, you will recall that in the Second Reading on this Bill I took the point that I felt that what appears to me to be a total of twelve months allowed for all claimants to claim the money was too short, particularly in light of the fact that the existing Government Savings Bank Law provide for monies that are similarly treated to be claimed up to forty years after it has gone into the general revenue. I feel not only is it morally wrong not to permit persons to claim after one year, but I feel that it is legally wrong for us, because it is tantamount to breach of contract of the terms under which the money was deposited in the first place; that is, that money could be recovered up to forty years. Consequently, I know that some persons who have money in the Government Savings Bank regard it as being safe as the rock of Gibraltar and a lot of them are not persons who use their accounts frequently, and they do not operate their accounts often. Many of these people in my opinion, Mr. Chairman could be persons who are normally not ordinarily resident in the Island, older Caymanians who have gone away but intend to come back and would use this money when they do in fact come back, and they might not necessarily see these publications.

I appreciate that what is operating in the minds of the mover of the Bill or Government might be that there must be finality to this winding up, but I believe that that could still be done

MR. BENSON O. EBANKS(CONTINUING): and still accomodate the point that I am making.

If I might indulge in a bit of forward thinking here, I feel that if a proviso was put in Section 18, saying, that notwithstanding the provisions here in this Section the Financial Secretary would have the right after the expiration of the period stated to pay the money in the case of a bona fide claim. Now I do not see why that would disrupt the finality of the winding up of the Bank if in Section 15 a small amendment was made to the notice which is required to be published in the Gazette there and if you said that all known obligations. The winding up is complete to all intents and purposes, but nevertheless with the proviso that went in Section 12, a person would be entitled to get his money.

Now, if it is the legal opinion or the considered opinion of the Legal Department that what I am suggesting here about finality could not be accommodated in that way, then I feel we should extend the time that is mentioned in Section 12 to a reasonable time, if not indefinitely, at least to a reasonable time, at least say, six or eight years, whatever the statute of limitation is. I feel that to take an arbitrary time of twelve months is really unconscionable and unreasonable.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I too would like to endorse what the Third Elected Member for West Bay said; I do not consider that one year is reasonable, and I think this is most unusual for any Bank to wind down its business and expect to do it in one year. We certainly have to be fair to people and I do not think that this Law will be fair to many a person. There are not any big accounts, but the people who have them and do not comply with this Law,within twelve months,will find that they are unable to claim what they had put in under a previous contract for forty years, because that right will have been taken away by the passing of this Law. I do not think, Sir, that one year is sufficient, and I would ask that this House consider putting in or extending the time to a longer period where those who may be abroad and come back will be able to get what is rightfully theirs.

MISS ANNIE H. BODDEN: Mr. Chairman, I would suggest, Sir, that at least five years should be the minimum in which time they could claim whatever money they had deposited. Since it was deposited under a guarantee of forty years, I think it would be most unfair just for twelve months, one single year, and a year goes by so quickly nowadays that I would say at least five years should be a reasonable amount of time in which they could claim whatever they had deposited.

MR. CRADDOCK EBANKS: Mr. Chairman, when we were dealing with the Land Adjudication Law, land owners claimed they had land but they did not have a bona fide document, it was considered in respect of people living overseas and doing extensive travelling, it was or it is in fact in the Law that it could be twelve years before one could get an absolute title. Then it would appear to me, while this may only be $100.00 or $50.00 to some depositor it looks only reasonable, because the same depositor might be one of the land owners who has to wait for 12 years to get an absolute title to his or her tiny piece of land. It would look to me a bit unreasonable for only twelve months in which they could claim their deposit of $50.00, $500.00 or $10.00 as the case may be, it looks like it ought to be a longer time limit.

HON. THOMAS C. JEFFERSON: Mr. Chairman, I take the views of the Honourable Members. Perhaps the period of one year may cause some difficulties to some people who have deposits within the Government Savings Bank. There is an intention within the Clause being discussed that we would like to finalise the matter on Government Savings Bank,

HON. THOMAS C. JEFFERSON (CONTINUING): that is, we would like to wind it up and put it to rest, but not at the expense of perhaps causing some difficulty for someone who has not had adequate notice that the bank is being wound up. With this in mind, Mr. Chairman, I would move that the period of extension be three years instead of one.

MR. BENSON O. SHANKS: Mr. Chairman, I am glad that the concept seems to find favour with the Member piloting the Bill, but if, perhaps I give an experience I had only two days ago it might help Members to really understand what I am talking about.

I was visited by a widow who had received from one of the commercial banks in this city a letter addressed to her husband who had been dead for under three years, and the letter was addressed to the husband, of course, saying that we noticed that you have not operated your account for the last six years, would you please bring the passbook in so that we could bring it up to date. The amount involved was $1500 and cents, which meant a lot to that widow. In fact other than a motor car, that was the only thing that the husband left. She, on receiving the letter searched the house and found the passbook, she did not know of the existence of this, and hopefully with my assistance she will get that money today. This is the type of thing that can happen, people who ran across these books many years hence, they did not know that their husband had it; and the case I am stating there is no difficulty in knowing who to pay the money to. The death certificate is available, the marriage certificate is available, it is known that there were no children to the marriage or any other children in existence, so it is quite easy to pay the money over.

I think the mover of the Motion in presenting it, when he quoted the number of dormant and inactive accounts made a very strong case for this consideration which we are asking, because it shows that a lot of the accounts are just left there. It might be found now when these names are published that the actual account holder might have moved to the States, relatives might have to trace down descendants and tell them about it to get the claims. I feel strongly that if it is impossible, as I have said, to follow my earlier suggestion about making the term almost indefinite, but accommodating the actual winding up of the bank by an amendment to section 13, then I think we should, at least, put it to what is regarded as the statute of limitations. I think that if we do anything less than that we will looked as as suspect as a Government.

We have the statute of limitations that govern the public and we are saying that as a Government we are not going to be bound by those, at least that time frame. I feel that we should at least go to the statute of limitations if what I proposed earlier causes a lot of problem to draft the necessary amendment. Mind you, I do not think it does, and I think what I suggested in the beginning, meets the point.

That's my submission at this point, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, we must be very careful not to set a precedent. We must do as we are going to be expected to be done to us and to others. If we are going to put it down to three years, should any of the other commercial banks here wind up their affairs, you will have set a precedent of three years, for them to pay off all their depositors. I strongly recommend that we go not less than what the statute of limitations is in our present law.

HON. TRUMAN BODDEN: Mr. Chairman, I can perhaps enlighten the House as to the procedure in winding up a bank. The notices are published. Depending on the type of winding up and a period of time, by no means six years, and by no means even three years, is set and once the set time has expired there can be no further claims made and it is done during a very short period. There is confusion between the statute of limitations, which is one that a debt cannot be sued on, even though there is power in normal circumstances for a liquidator to pay a debt which may be statute barred, normally upon the

HON. TRUMAN BODDEN (CONTINUING): consent of the Court, so there is a difference between the two. A bank does not have six years for claims, it is a very short period, normally stretching between about six months to twelve months, so the time here was in accordance with what any other bank should do. The precedent it may be setting is that we are extending this period of time and that could be dangerous because as the Members know with commercial banks, such as say, the Sterling Bank funds, which would otherwise be available to creditors, can greatly deplete in professional and other fees over six years, so what we are doing here with the six months, in fact I think the three years is far more generous, perhaps, than they get anywhere else, and it is just in accordance with the other winding up rules of other banks; the only thing is that this is a bank created by statute specifically as against under a general statute like the Companies Law.

MR. BENSON O. EBANKS: Mr. Chairman, the last point that the Member made was specifically the point that I wanted to make in rebuttal. Any of the other commercial banks fall under the provisions in the Companies Law for winding up and they must be guided by that. But we are here dealing with the Government Savings Bank which is constituted by statute and in that statute the Government guarantees all monies, the repayment of all monies deposited in that bank. The Government, in the section that I quoted earlier, undertakes to repay any money that might be transferred from a dormant account up to 40 years after that transfer has taken place - up to forty years. and I think that what is at stake here is the credibility of Government to honour statutory commitments made to depositors of this bank

I see the desire to get these files put in a drawer, do not get me wrong, I understand the difficulty of the Financial Secretary as having this as an ongoing thing on his desk, but I feel strongly that if we put in an amendment in section 18 making provision to honour for an extended period claims not providing the provisions already in here, and then in section 19 say, that the winding up of the bank shall be deemed complete on the date on which the Governor in Council certifies by notice published in the Gazette - instead of all obligations, it could be all normal obligations and I believe that would enable the Financial Secretary to put his file in the drawer , but we get the amendment in section 18 that we are suggesting, if there are late comers, the Financial Secretary could honour those commitments out of the general revenues of the country and I maintain that if we are going to retain the honour and the integrity of Government, we have to honour the statutory provisions now existing in the Government Savings Bank law, and one of those is which that the Government guarantees the repayment of all monies deposited in that bank.

HON. TRUMAN BODDEN Mr. Chairman, I am going to be very brief, but the statute of limitations does not run against an action or a right of a person until the bank makes an adverse claim - as long as the money remains in the bank they are contractually obligation to pay it. What this statute did was to state that when an account becomes dormant for 40 years they lose that right, so it restricted rights, so the fact that the account is in there for 6 years nobody draws money out of it, unless the bank makes an adverse claim, time does not run against the person, that is the whole idea of adverse claims and limitations.

If the bank claimed it, then the person has 6 years within which to file an action and get it back; once it files an action time stops again, even there is an acknowledgment in writing time stops. So I do not see where the problem is at

HON. TRUMAN BODDEN (CONTINUED): all. It is a winding up here and when the period has run on that then, as in every other winding up, the matters can be tidied up and no longer contingent liabilities remain in the balance sheet of the Government, so the statute of limitations has nothing to do with this, because this Government is making no adverse claim against people.

MR. BENSON EBANKS: Mr. Chairman, I am not sure whether that was in rebuttal of my last submission or not because I was not saying anything about the statute of limitations. The only time that I mentioned the statute of limitations was in an earlier submission I made saying that if it was found impossible to entertain the type of amendment I was proposing, that I felt that the stipulated time should, at least, be the length of the statute of limitations. My last submission referred specifically to section 8 of the Government Savings Bank Law that reads - "the repayment of all monies deposited in the bank together with interest thereon is guaranteed by the Government of the Cayman Islands and accordingly if at any time or times the assets of the bank are insufficient to pay the lawful claims of every depositor, the Government shall cause such deficiency to be met out of the general revenues, etc. etc.", and I was further referring to section 9, sub-section (4) and the proviso under that where sub-section (4) of 9 states "When an account has not been operated for a period of 7 years or more such account shall cause to be credited with interest and (a) if the balance of such account amounts to less than $10 it shall be paid into the public revenue or (b) if the balance of such account amounts to $10 or more it shall be transferred to a suspense account maintained for that purpose: Provided that nothing in this sub-section that prejudice the right of any person to make claim and receive payment of any deposit to which he would otherwise be entitled and which has been dealt with under this sub-section provided such claim is made within 40 years of the last occasion when the account was operated, provided further that the Governor may direct that interest up to the date of payment may be allowed on any payment made under the foregoing provisions". That is my contention and I think that is a statutory obligation on Government that we should honour and that we should not remove with another statute that is providing for the winding up of the company. It is different from the winding up under the Companies Law, a winding up under the Companies Law follows the Companies Law, but we are here winding up the Government Savings Bank by statute and I maintain that we must be reasonable and give the protection under which people in good faith put their money in that Bank.

MR. CHAIRMAN: My difficulty is, that although I agree there are various possible amendments in contemplation, no Member has yet proposed any specific amendment that can be put to the Committee for consideration. I think there are three possible amendments that appear to have been discussed, two of them on the part of the last speaker, either that provision should in some way be made for the Financial Secretary to pay claims where he is satisfied as to the bona fide of the claimants after the prescribed period has come to an end, or, the same Member alternatively, and I think this was your second choice, that the prescribed period should be 7 years. I am not absolutely sure, but I think 7 years is rather .....

MR. BENSON O. EBANKS: I am not sure whether the statute of limitation is 7 or 6, or it may be 8.

MR. CHAIRMAN: It is 7 in England, but I do not know about here, but at any rate it should be something more like a period that you do not know for sure yourself, but about 7 years, let us say. Alternatively, a counter proposal from the Official side of an increase to 6 years.

HON. MICHAEL J. BRADLEY: Sir, could I without over complicating the issue perhaps say that there was one amendment suggested which is to a Clause that has not been before the committee yet, Clause 18, that the words "no one" so that it read "all known obligations have been met". With respect, Sir, even though that is not before us yet, I would not favour that because the idea of Section 18 is the final certificate of tidying up, and if you put a known obligation it means in that way that the matter is still incomplete. The other point that I would raise, Sir, is that if the course of action that the House determines upon is an extension of the period from 6 months as is contained in Clause 13(1) and the practice thereto to a longer period, then, Sir, we must remember to recommit Clause 11 again, because there are consequential amendments at the end of that which flow from it, Sir.

HON. D.H. FOSTER: Mr. Chairman, I can sort of see both sides, Sir, but if we change the dates in Clause 12, it means that people are going to say "Oh, we have six years so we do not have to rush to close out". If you could leave those dates and put in some thing else, that says the Government will honour even after this a bona fide claim, it might be the answer to it. Leave these dates, try to close out the thing, and if it does not get closed out, if any, of certain circumstance that might crop that the person could always go back to the Treasury, not the Bank, the Bank is finished with, but go back to the Government and say, "Well, I have just found this, can you enlighten me" and pay off or something like that.

HON. BENSON O. EBANKS: Mr. Chairman, I am wondering, may be it is not for me to do this, Sir, but I sense that there is a feeling of accommodation in this, and I am wondering if that accommodation could not best be worked out if on a short adjournment to the Committee Room with the help of the Second Official Member, or something like this.

HON. TRUMAN M. BODDEN: Mr. Chairman, I think it is very clear, at least my colleagues here are prepared to go the three years, and that is it.

MISS ANNIE H. BODDEN: Mr. Chairman, I feel, Sir, that we as honourable people must not try to force laws that would deprive ordinary people, because I will say, Sir, that the people who invested in the Government Savings Bank more or less were what we would call the ordinary people who were not so highfalutting as to go to Barclays or these other banks, and we should honour their faith and trust in us regardless of, about three years. I say let us put it, at least 5.

MR. CHAIRMAN: It seems to me that we are unlikely to complete our business this morning as I hoped earlier, and I think it might in fact be useful to have a break now with a view to resuming proceedings after lunch.

I propose therefore to suspend proceedings until 2:30 p.m. this afternoon.

HOUSE SUSPENDED AT 12:30 P.M.

HOUSE RESUMED AT 8:30 P.M.

MR. CHAIRMAN: Proceedings are resumed. The House is in committee considering Clause 12 of The Government Savings Bank (Winding up) Law, 1982.

HON. THOMAS C. JEFFERSON: Mr. Chairman, I suggested prior to the lunch break that we increase the period of time from 1 year, 6 months plus 6 months to 6 months plus 30 months, which would give us a total of 3 years. If within the last two weeks the sum of money which I quoted while moving the motion - $456,686.00 has now as of close of business yesterday been reduced to $196,000.00, if within two weeks we have removed $260,000.00 of the initial sum I would think, Mr. Chairman, that a period of 3 years is reasonable. I just wanted to clarify that point for the benefit of Honourable Members.

MR. CHAIRMAN: So far I am in the difficulty that no Honourable Member has actually proposed a specific amendment, and there is nothing therefore that I am in a position to put.

MR. BENSON O. EBANKS: Mr. Chairman, if you will grant permission, Sir, under Standing Order 52(2) for a motion to be presented without notice I am prepared to present an amendment that I believe may ....

MR. CHAIRMAN: Yes, I will grant leave.

MR. BENSON O. EBANKS: I beg to move an amendment then, Sir, in the following format:- "that sub-clause (3) of Clause 12 be deleted and the following two new sub-clauses substituted therefor, "(2) Notwithstanding the provisions of subsection (1) or of subsection (3), if at anytime after the expiration of the aforesaid period stated in subsection (1), a person proves to the satisfaction of the Governor in Council that he would have been entitled to payment of any monies if he had made application therefor within the prescribed period then the Governor in Council may direct the payment of such monies out of the general revenues of the Cayman Islands".

Subsection (3), in this Section and in Section 10 the date of the first publication referred to therein shall be the last of the dates on which the Gazette or the two news papers published in the Cayman Islands containing the advertisements required by Section 10 was published".

MR. CHAIRMAN: May I just question one point.

MR. BENSON O. EBANKS: Section 11, sorry.

MR. CHAIRMAN: I think you mean Section 11 both times, not Section 10.

MR. BENSON O. EBANKS: Yes, Sir.

MR. CHAIRMAN: In fact three times. In the new subsection (2) once and in the new subsection (3) twice, you mean Section 11 each time.

MR. BENSON O. EBANKS: Yes, Sir.

MR. CHAIRMAN: And for the convenience of Members I think that is a text that was circulated to Members earlier.

MR. BENSON O. EBANKS: With a few minor alterations.

HON. MICHAEL J. BRADLEY: I shall waive copyright, Sir.

MR. CHAIRMAN: Does any Member wish to speak on the amendment or have points already been adequately made. I think we probably debated.

HON. TRUMAN M. BODDEN: I would like to speak very briefly, Sir, and to say that I think the best alternative will be to increase the 6 months to 36 months, so that there is a final winding up in accordance with the usual and customary practice with winding up banks, and I would hope that amendment would be forthcoming after this, Sir.

MR. CHAIRMAN: In other words, you are opposed to this amendment, but you are hoping to substitute a different amendment.

HON. TRUMAN M. BODDEN: Yes, Sir.

MR. BENSON O. EBANKS: Mr. Chairman, would it be out of order if I ask,Sir, that the vote on this Clause be a conscience vote.

MR. CHAIRMAN: (Laughter) I think it is for Government to decide that something should be a conscience vote, if you mean - a free vote is what you mean.

MR. BENSON O. EBANKS: Release Members from the collective responsibility so that they can vote their conscience.

MR. CHAIRMAN: I think that is done on the initiative of Government or the Executive Council, not .....

MR. BENSON O. EBANKS: Yes, Sir. I am suggesting that they might like to initiate that, Sir.

HON. G. HAIG BODDEN: Mr. Chairman, I think the Constitution provides that the Government Member himself seeks the release, and I do not know why my friend on the other side is seeking to put himself in the place of the other Members.

MR. CHAIRMAN: Well, I think perhaps that there are certain occasions like,customarily, I am not sure of the practice here even if there has been such a debate, but customarily debates on capital punishment for example, the practice is that there is a free vote.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I think we have good reasons and indications from the other side that they would like to go along with us, and that is why we suggested it.

MR. CHAIRMAN: I think we will put the matter to the vote in a moment. I think we have debated this particular subject at some length, and I do not think anybody has been denied an opportunity to express his or her views on the point, so unless there is any Member wishing to speak further I will put the question that Clause 12 of the Bill be amended, may I simply say, in the manner that the Honourable Member read out a moment ago rather than read it right through for you. If any Member wishes it read right through, I will of course read it right through. Be amended in the manner the Honourable Member said.

QUESTION PUT: AYES AND NOES. I think the NOES have it.

MISS ANNIE H. BODDEN: I am sure they will have it.

MR. BENSON O. EBANKS: Could we have a division on that, Sir.

DIVISION

AYES	NOES
Mr. Benson O. Ebanks	Hon. D.H. Foster
Mr. Norman W. Bodden	Hon. Michael J. Bradley
Miss Annie F. Bodden	Hon. Thomas C. Jefferson
Capt. C.L. Kirkconnell	Hon. John B. McLean
Capt. Mabry S. Kirkconnell	Hon. Truman M. Bodden
	Hon. G. Haig Bodden
	Mr. Carston J. Smith
	Mr. Craddock Ebanks
5	8

MR. CHAIRMAN: The result is that the amendment was defeated by 8 votes to 5 votes.

MR. BENSON O. EBANKS: I was hoping that the two Members on this side had been released, Sir.

MR. CHAIRMAN: Perhaps they had been, perhaps that was what their consciences had dictated. I do not think you are justified in assuming that it was not.

I have not yet actually had a further amendment, but my understanding was that a further amendment was to be made.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I beg leave under Standing Order 52 sub-order (2) for the leave of the Chair to propose an amendment of which notice has not been given.

MR. CHAIRMAN: Granted.

HON. MICHAEL J. BRADLEY: I apologise, Sir, for not having written copies or typed copies available for Members, but Members may have guessed that there are certain circumstances that mitigated against that. I would propose that Clause 12 sub-Clause (1) of the Bill be amended by the deletion of the words "six months" wheresoever those words occur, and the substitution therefor in each case of the words "thirty months". That Clause 12 be amended in sub-clause (1) by the deletion of words "six months" wheresoever such words occur, and the substitution therefor in each case of the words "thirty months". Briefly, in explanation, that will extend the period within which claims may be made from a total period of twelve months to a total period of thirty-six months, or three years.

MR. CHAIRMAN: The proposed amendment is that Clause 12 be amended by the deletion in Sub-Clause (1) of the words "six months" wheresoever these words occur and the substitution therefor in each case of the words "thirty months".

HON. MICHAEL J. BRADLEY: Perhaps, Sir, to make it absolutely clear, add in sub-clause (1) 'and the proviso thereto' in case it is not absolutely clear that both parts are intended.

MR. CHAIRMAN: I think to make it clear to Members, there are three places where the words "six months" appear, once in the first sentence of Sub-Clause (1) of Clause 12 and twice in the proviso. Really what we are doing is striking out "six" in each case and putting in "thirty".

That is the proposed amendment. Does any Honourable Member wish to speak further?

MISS ANNIE H. BOLDEN: Mr. Chairman, I feel Sir, that we are in duty bound to honour a further period than 36 months. I feel, Sir, that we are today setting an example. We had one very thrilling example sometime ago of a bank which collapsed and there was absolutely no provision evidently for the depositors, if you owed money you had to pay but if you had a deposit you never got a cent back. And may be we are setting a precedent now, although, the amount is not even worthy to mention since Government does not talk about thousands anymore, but millions, but I feel that we should do absolutely nothing to discredit our ability to stand by what we know is right.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I feel like this Government is not honouring the commitment it has made with the depositors of former years. It is with sadness to know that those - they are just a few who are swinging the whole crowd, and I know that and you know that - can have their sway over this entire House just because our Constitution says, they must vote in a block, they are not voting their conscience, because otherwise we have good indications that these people know better and they would be prepared for this Government to honour the commitments which it has made from 1944 when the Law came into effect.

I would like to say, Sir, that Laws are made to benefit men and not to bind them.

MR. BENSON O. EVANS: Mr. Chairman, I would just like to comment on the statement made by the Member piloting the Bill, which is relative to this amendment, about the amount of money which is left on deposit within the bank. I feel that that statement of the relatively small amount, which is now left there, only strengthed the argument or the amendment which was put forward earlier. By this I mean that obviously no great deal of Government revenue would have been committed by the proposed amendment, and I feel that it is a small price to have put on the integrity and good name of the Government of this country, and I cannot in all good conscience support the amendment which is before the House now. I feel that it is a reflection on the good name of the Government of this country.

HON. G. HAIG BODDEN: Mr. Chairman, the amendment as proposed will give a total of 3 years for depositors to make claims, and this as mentioned earlier by the Second Elected Member is a much longer time than is usually allowed in cases of winding up.

This Law which we are passing, like many other Laws, can be amended from time to time. If at the end of the 3 years or nearing the 3 years there are still substantial claims outstanding, which is unlikely, Government could take steps at that time to protect the depositors who have not made claims. So whatever action we may take here today certainly does not bind the Government forever from changing this Law. There is quite a possibility that before the 3 years are up you may see a different set of Members here. The Member from West Bay who made the previous amendment which was defeated might not even be here himself, so anything can happen to this Law, but giving 3 years seems to be sufficient time. If in the future it is found out that the number of depositors have increased, which is unlikely, or that there is still a material amount of deposits left, well, Government could take such action to protect these people that have failed to make their claims. So, the integrity of the Government is not in any way being lessened by the action today, in fact the problem with the collapsed Interbank is that the winding up has drawn out too long, and that is why the depositors have received no money.

If swift action had been taken to wind up that bank, in say, six months or a year, there would have been a lot of money to be paid to the depositors, and the Member from West Bay who proposed the previous amendment was in the House at that time. Perhaps if we follow the same pattern that was followed in the winding up of

HON. C. HAIG BODDEN (CONTINUING): Interbank there might not be any money to pay depositors here either, because it could drag on to such an extent that there might not be money for the depositors. So, I think what we are doing today is ensuring the swift and sure winding up of the bank, and the proper payments to depositors, this in no way can have any ill-reflection upon the integrity of the Government. The Government has acted swiftly in contrast to the 1972/76 administration which allowed Interbank collapse to drag on to the detriment of depositors.

MR. CHARLES L. KIRKCONNELL: Mr. Chairman, we are talking about chalk and cheese, Sir. We are talking about a bank that went into bankruptcy, and we are talking about a Government Savings Bank, which is going out voluntarily, you are not comparing like with like at all and the argument has no force whatsoever.

MR. BENSON O. EBANKS: Mr. Chairman, the analogy is ridiculous, there are no liquidators appointed in this instance to use up the funds, the only thing that could use up the funds in this instance is the guarantee we have given for Cayman Airways, and we are assured that that is not going to happen so we would hope that we are not called on to pay that.

MR. CHAIRMAN: I think we are all in danger of straying a little from the point.

MR. BENSON O. EBANKS: No, but Mr. Chairman, I have to refer if you will allow me, Sir. I know that the Member would have very little to say in this House if he could not refer to the 1972/76 Government, but I would remind him that the present Government has had a longer period during which Interbank is still in liquidation than did the previous Government, and they have not seen fit to do anything about it when everybody sees what is going on. So, if they were so anxious to protect creditors' right they should do something about it.

Now to get back to the amendment before us, Sir, I would just like to point out that the amendment that is proposed does not give anybody 3 years to claim money, because Section 11 restricts the claim to be made within 6 months. The 30 months only operates .....

HON. MICHAEL J. BRADLEY: On a point of information, Mr. Chairman. Could I remind this Honourable House that I did indicate to you, Sir, in the morning session that if we made an amendment here we would need to recommit 11, and it would be my intention to propose a suitable amendment.

MR. BENSON O. EBANKS: Well, I am speaking of the amendment as before us now. If we pass this now we are going to have to go back and recommit that if that is .....

MR. CHAIRMAN: That is quite right, that was what was said earlier that if we passed an amendment of the kind now being debated we shall have to recommit Clause 11 in order to bring Clause 11 into conformity with Clause 12 as amended. I think your points have been taken.

MR. BENSON O. EBANKS: With that assurance I am not going to help anymore, unless the Member continues his foolishness about the 1972/76 Government.

HON. TRUMAN M. BODDEN: Mr. Chairman, I would like at this stage just to draw the Members' attention to Standing Order 36. I think the time has come for Members if they are going to stay within this House to conduct themselves in accordance with these Standing Orders, and what is usual. It says, "It is out of order to use offensive or insulting language about other Members, and no Member shall impute improper motives to another Member", and I would just like to bring his attention to that.

MR. BENSON O. EBANKS: Mr. Chairman, he should be reading that to the fourth Elected Member of Executive Council, imputing improper motives and the rest of it.

HON. C. HAIG BODDEN: On a point of order, Mr. Chairman. He is imputing that I impute improper motives, which is insulting to me.

MR. BENSON O. EBANKS: As far as .....

MR. CHAIRMAN: Order! Order! I have not heard anybody impute improper motivies to anybody else, and I hope I shall not hear anybody impute improper motives to anybody else, because if I did I should have to rule them out of order.

HON. C. HAIG BODDEN: Mr. Chairman, if I may speak on the amendment, I would like to call the attention of the Members to the fact that in very recent times we had a large commercial bank, the Bank of Montreal, wind up its local affairs and they gave a very short period to depositors to withdraw their monies. I am certain that it was not any longer than the one year period in this Bill before us, and people had no difficulty in withdrawing their funds. that was a case of a bank very similar to the Government Savings Bank, it was not in liquidation, it was just that the company decided to stop its local operation and help was given to depositors to put their funds in other banks, and this is a similar situation.

The other matter is, that the analogy to Interbank was first drawn by the Members on the other side, that was why I spoke on it.

MR. BENSON O. EBANKS: Mr. Chairman, I would like to speak on the last submission. The analogy to the Bank of Montreal is ridiculous. The Bank of Montreal was not to the best of my knowledge even a locally incorporated company, it was a company incorporated abroad registered under the provisions of our Laws to do business here. So, the Bank of Montreal as an entity did not go out of existence, and if you had a claim against the Bank of Montreal as a result of a deposit in the bank here you could trace that all the way to the Head Office in Canada. Futhermore, this Government Savings Bank is a creature of statute, and this is what seems to be escaping Government Members.

It seems as though powers of persuasion here, Sir, are inadequate. I do not intend to say anymore, I would suggest that we put it to the vote. I know where my vote is going.

MR. CHAIRMAN: I think I will take advantage of the Honourable Member's suggestion, as we seem to have debated this at some length now.

The question is that Clause 12 (1) and the proviso thereto be amended by the deletion of the words "six months" whereever these words occur, and the substitution therefor in each case of the words "thirty months".

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: THE AYES HAVE IT.

CAPT. CHARLES L. KIRKCONNELL: I would like to have a division, Sir.

DIVISION

AYES	NOES
Hon. Dennis H. Foster	Mr. Benson O. Ebanks
Hon. Michael J. Bradley	Mr. W. Norman Bodden
Hon. Thomas C. Jefferson	Miss Annie H. Bodden
Hon. John B. McLean	Capt. Charles L. Kirkconnell
Hon. Truman M. Bodden	Capt. Mabry S. Kirkconnell

AYES	NOES
Hon. C. Raig Bodden Mr. Craddock Ebanks Mr. Garston Smith	
8	5

MR. CHAIRMAN: The result is that the amendment is passed by 8 votes to 5.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, does that include the Chief Secretary's vote?

MISS ANNIE E. BODDEN: He said, "No".

MR. CHAIRMAN: It does include the Chief Secretary's vote, yes.

HON. MICHAEL J. BRADLEY: Perhaps you could guide the House as to whether you would like a motion for recommital of Clause 11 now or at the end.

MR. CHAIRMAN: I think we ought to deal with Clause 12 first, we have amended it twice, but we have now yet passed it, and perhaps after we have passed it I would invite a motion for the recommital of Clause 11.

We are now at some length with some difficulty, and I am indebted to all Members for their help during this debate. Amended Clause 12 in two ways. We amended, if you remember before lunch sub-clause (2) and we have now amended sub-clause (1). If there are no further proposals for amendments to the clause I will put the question that the Clause as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 12 AS AMENDED WAS PASSED.

MR. CHAIRMAN: As was explained, there is a need for a consequential amendment to Clause 11, and I would entertain a motion for Clause 11 to be recommitted.

RECOMMITTAL OF CLAUSE 11 - SUSPENSION OF STANDING ORDER 82

HON. MICHAEL J. BRADLEY: May I propose, Mr. Chairman, Sir, in accordance with Standing Order 82, the suspension of Standing Orders for the purpose of recommitting Clause 11 of the Bill.

MR. CHAIRMAN: The motion is, that in accordance with Standing Order 82, Standing Orders be suspended for the purpose of recommiting Clause 11.

MR. BENSON O. EBANKS: Mr. Chairman, in accordance with the decision of the House and the arguments yesterday, I oppose this motion on the grounds that Standing Orders were made to be followed and so that the business of this House could proceed in an orderly fashion.

MR. CHAIRMAN: Perhaps I should say, by way of interpolation, that I think I myself speaking from the Chair did yesterday say, that I thought that the suspension of Standing Orders should be an exceptional measure. I should add, perhaps today that I think the circumstances in which we find ourselves justify the exception. If we pass a clause in a Bill and later decide to amend a subsequent clause in such a way that the consequential amendment to the clause already passed is necessary, I think it is only reasonable

MR. CHAIRMAN (CONTINUING): that we should be entitled to go back to the earlier clause. Whether we need to suspend Standing Orders to do so, I am not sure, I am not familiar enough with them, there may be a means of doing this without suspending Standing Orders.

HON. TRUMAN M. BODDEN: No, I think we .....

HON. G. HAIG BODDEN: Mr. Chairman, the Standing Order 56(1) makes special provision for the recommittal of a Bill before the Third Reading has been taken. If a Member desires to delete or amend any provision contained in a Bill as reported from a committee of the whole House, or to introduce any new provision therein, he may, at any time before the question has been proposed upon a motion for the Third Reading of a Bill move that the Bill be recommitted, either wholly or in respect only of some particular part or parts of the Bill. There is a very special provision here to take care of matters that may arise, this has no connection with trying to get more questions on the Order Paper.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, with due respect to my Honourable colleague, I had considered that one but in my view, Sir, the important words are "as reported from a committee of the whole House". Certainly, Sir, the procedure could be followed of finishing the committee stage now, reporting back to the whole House, then of a motion that it be recommitted back to us. I thought perhaps the suspension of Standing Orders was more desirable, but a cleaner method of dealing with it.

MR. CHAIRMAN. I think we could follow either course. I myself am found to admit that I would see no objection to the suspension of Standing Orders, but of course, I am in the hands of Members. Perhaps, I could put the question that in accordance with Standing Order 82 Standing Orders be suspended for the purpose of enabling the recommittal of Clause 11 of the Bill.

QUESTION PUT: AGREED. STANDING ORDERS SUSPENDED FOR RECOMMITTAL OF CLAUSE 11.

MR. CHAIRMAN: Clause 11 is consequently recommitted.

HON. MICHAEL J. BRADLEY: Sir, in accordance with Standing Order 82, which we do not have to observe now, because they are suspended, I would nevertheless beg your leave to introduce without notice the following amendment:- That Clause 11 of the Bill be amended by the deletion of the words "six months" where those words lastly occur and the substitution therefor of the words "thirty months".

If I might be permitted to explain, Sir, as I understand the Clause, after monies have been in the banks for six months the Financial Secretary then gives notice by publication for a period of six months by advertising, and that the monies have been lying there for the first period of six months and the ban on claims being entertained is presently at the end of that six months, but it is the intention of the amending motion to extend the period for entertainment of claims up to a further thirty months.

MR. CHAIRMAN: So that the six that is changed to thirty is the one at the top of the final page.

HON. MICHAEL J. BRADLEY: Yes, Sir.

MR. CHAIRMAN: The motion for amendment is that Clause 11 of the Bill be amended by substituting for the words "six months" where they lastly appear in the Clause, the words "thirty months". Does any Honourable Member wish to speak?

HON. BENSON O. EBANKS: Mr. Chairman, much against my conviction I will have to support this particular amendment in that it improves the position somewhat as to what it was previously, although it does not meet the criteria which I would like to see in there. I believe that it could help to salve the consciences of some of those Members who would have liked to have supported the early amendment for an indefinite period.

HON. TRUMAN M. BODDEN: Mr. Chairman, this is the whole idea why I tried to refer him to those Standing Orders. He knows better than that.

MR. BENSON O. EBANKS: Mr. Chairman, I do not know why the Member be worried about me, Sir, about my being up in here, I am going to be here until the people of West Bay tell me they do not want me and that will be a long time.

MR. CHAIRMAN: If no other Member wishes to speak, I will put the question that Clause 11 be amended by deleting the words "six months" where they lastly appear in that Clause and substituting therefor the words 'thirty months".

QUESTION PUT: AGREED. CLAUSE 11 AS AMENDED WAS PASSED.

CLERK: CLAUSE 13. COMPLETION OF WINDING UP AND REPEAL OF CAP. 84.

MR. CHAIRMAN. The question is that Clause 13 stand part of the Bill. Does any Member wish to speak?

MR. BENSON O. EBANKS: Yes, Mr. Chairman. Inasmuch as the foregoing provisions of the law to not meet the criteria, which I think should be met for the winding up of the Government Savings Bank I therefore have to oppose this Clause which seeks to make the winding up final. I am not happy that the winding up will be final under the terms contained in Section 11 and 12.

MR. CHAIRMAN: If no other Honourable Member wishes to speak I will put the question that Clause 13 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 13 WAS PASSED BY MAJORITY.

MR. CHAIRMAN: That concludes proceedings in committee on a bill entitled "The Government Savings Bank (Winding Up) Law, 1982".

HON. MICHAEL J. BRADLEY: The Title, Sir.

MR. CHAIRMAN: Oh, yes. Sorry.

CLERK: A LAW TO WIND UP THE GOVERNMENT SAVINGS BANK CONSTITUTED AND ACTIONTED UNDER THE GOVERNMENT SAVINGS BANK LAW (CAP.84) AND FOR PURPOSES CONNECTED THEREWITH AND INCIDENTAL THERETO.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: I was a little premature, I apologise. That now concludes proceedings in committee on a bill entitled "The Government Savings Bank (Winding Up) Law, 1982"

The remaining bill which the committee has still to consider is The Banks and Trust Companies Regulation (Amendment) Law, 198".

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1982 COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT. AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 4 OF LAW 6 OF 1966.

QUESTION PUT:

MR. BENSON O. FRANKS: Are you going to permit debate, Sir?

MR. CHAIRMAN: I am so sorry.

MR. BENSON O. FRANKS: I was wondering, Sir, if the Second Official Member was not going to propose an amendment to this one, after he had had time to reflect on the Second Reading debate yesterday. It appears that he has not, so I would like to second that I am supporting this, but with reservation that I do not think that it goes far enough.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 14 OF THE PRINCIPAL LAW.

MR. CHAIRMAN: The question is that Clause 3 ... stand part of the bill. Does any Member wish to speak?

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, just briefly on a point of explanation.

In the local Press last week I noticed a commentary on the bills being introduced, which stated that this entire bill would not come into force until the date on which the Savings Bank was wound up. This I fear was a slight misunderstanding, that this Clause 3 is a minor amendment to delete a reference to the Government Savings Bank in the Bank & Trust Companies Regulation Law, and the Section 2 of the Law, and the rest of the Law other than Section 3 will come into force once assented to. It is only the cross reference that will die when the Savings Bank dies.

MR. BENSON O. FRANKS: Mr. Chairman, to be consistant, Sir, I have to oppose this Section, because I am not in agreement with the winding up of the Government Savings Bank under the provision of the Law that it is being done in.

MR. CHAIRMAN: If there is no further debate I will put the question that Clause 3 stand part of the bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A LAW TO AMEND THE BANKS AND TRUST COMPANIES REGULATION LAW (REVISED).

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on all four of the bills that were committed to us. The House will now resume.

THE TRAVEL TAX (AMENDMENT) LAW, 1982
REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a bill entitled "The Travel Tax (Amendment) Law, 1982" was considered by a committee of the whole House and passed without amendments.

MR. PRESIDENT: I think I am right in saying that we noted in committee that one printing error needed correction, perhaps that is not technically an amendment.

The Bill is accordingly set down for Third Reading.

THE PUBLIC OFFICERS SECURITY (REPEAL) LAW, 1982
REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a bill entitled "The Public Officers Security (Repeal) Law, 1982" has been examined by a committee of the whole House and passed without amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE GOVERNMENT SAVINGS BANK (WINDING UP) LAW, 1982
REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a bill entitled "The Government Savings Bank (Winding Up) Law, 1982" was considered by a committee and was passed with the following amendments:- Clauses 9,10, 11 and 12 were amended, Mr. President.

MR. PRESIDENT: The Bill is accordingly, set down for a Third Reading.

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1982
REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled "The Banks & Trust Companies Regulation (Amendment) Law, 1982" was considered by a committee of the whole House and passed without amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE TRAVEL TAX (AMENDMENT) LAW, 1982
THIRD READING

HON. THOMAS C. JEFFERSON: Mr. President, Sir, I move that a bill entitled "The Travel Tax (Amendment) Law, 1982" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE PUBLIC OFFICERS SECURITY (REPEAL) LAW, 1982
THIRD READING

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move that a Bill entitled "The Public Officers Security (Repeal) Law, 1982" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE GOVERNMENT SAVINGS BANK (WINDING UP) LAW, 1982

THIRD READING

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled "The Government Savings Bank (Winding Up) Law, 1982" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1982

THIRD READING

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled "The Banks & Trust Companies Regulation (Amendment) Law, 1982" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. AT 2:25 P.M. THE HOUSE ADJOURNED SINE DIE.

MR. PRESIDENT: Before we adjourn, may I say, in case any Honourable Member does not know already, that we have fixed the 19th November, 1982 as the date on which the 150th Anniversary celebrations shall take place, and on which also the House shall meet again for the Budget Speech.

I think it may be convenient, if before that meeting we arrange for the Business Committee to meet just to check what the proceedings should be on that day, because it is going to be a rather busy day I think, with the church services first and the whole variety of other - quite a programme of events arranged, and I imagine it will be convenient for Members if we so arrange matters that the meeting of the House itself does not last too long. It may, for example, be best not to take any questions on that day and have just the Budget Speech, but I think that is something that the Business Committee might care to look at nearer the time.

Thank you very much indeed.

BUDGET SESSION AND
FOURTH MEETING OF THE (1982) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD FRIDAY, 19TH NOVEMBER, 1982

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON	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 AVIATION AND TRADE
HON G HAIG BODDEN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J GARSTON 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 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
FRIDAY, 19TH NOVEMBER, 1993 - 10:45 A.M.

FOURTH MEETING AND BUDGET OF THE (1993) SESSION OF THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

(CELEBRATING THE 150TH ANNIVERSARY OF PARLIAMENTARY GOVERNMENT)

10:40 a.m. MEMBERS OF THE LEGISLATIVE ASSEMBLY AND GENERAL PUBLIC ARE SEATED.

10:45 a.m. OPENING OF THE FOURTH MEETING AND BUDGET OF THE (1993) SESSION OF THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

MR. PRESIDENT'S PROCESSION -

THE SERJEANT-AT-ARMS

THE CLERK

THE DEPUTY CLERK

MR. PRESIDENT (HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG)

1. PRAYERS BY THE REV. RALPH PICKERING

2. MR. PRESIDENT: PLEASE BE SEATED

ADMISSION OF VISITORS:-

(a) THE SERJEANT-AT-ARMS APPROACHES THE DIAS, BOWS AND ANNOUNCES -

"MR. PRESIDENT, MESSRS. HIRSCHBERG AND REISS VISITORS FROM TRANSNATIONAL LIMITED AND UNITED INSURANCE COMPANY FOR THE PURPOSE OF PRESENTING A BOOK TO THE CAYMAN ISLANDS LEGISLATURE".

(b) MR. PRESIDENT ADDRESSES MEMBERS OF THE LEGISLATURE -

"IS IT YOUR WISH THAT MESSRS. HIRSCHBERG AND REISS VISITORS FROM TRANSNATIONAL LIMITED AND UNITED INSURANCE COMPANY SHOULD ENTER THE CHAMBER FOR THE PURPOSE OF PRESENTING A BOOK TO THE CAYMAN ISLANDS LEGISLATURE?".

THE MEMBERS OF THE LEGISLATURE CONCUR

(c) MR. PRESIDENT THEN INVITES MR. CHADDOCK EBANKS, JP. SENIOR ELECTED MEMBER OF THE LEGISLATURE AND THE HONOURABLE G. HAIG BODDEN, FOURTH ELECTED MEMBER OF THE EXECUTIVE COUNCIL AND CHAIRMAN OF THE CAYMAN ISLANDS BRANCH OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION TO ESCORT THE DELEGATION INTO THE CHAMBER

DELEGATION ENTERS IN THE FOLLOWING ORDER

SERJEANT-AT-ARMS

MR. REISS BEARER OF THE BOOK

MR. THOMAS V. HIRSCHBERG

MR. CHADDOCK EBANKS, JP. (ON MR. HIRSCHBERG'S RIGHT)
HON. G. HAIG BODDEN (ON MR. HIRSCHBERG'S LEFT)

MEMBERS AND GUESTS RISE. DELEGATION BOWS ON REACHING CLERK'S TABLE

THE SERJEANT-AT-ARMS ESCORTS DELEGATION TO THEIR SEATS ON THE RIGHT OF THE PRESIDENT

MESSRS. EBANKS AND BODDEN RETURN TO THEIR SEATS

MR. PRESIDENT BOWS TO THE RIGHT AND TO THE LEFT AND SAYS "PRAY BE SEATED".

DELEGATION IS WELCOMED BY MR. CRADDOCK EBANKS, JP.

(a) MR. PRESIDENT CALLS UPON MESSRS. SEISS AND HIRSCHBERG TO REPLY AND ON PRESENTATION OF THE BOOK, THE MEMBERS, GUESTS AND MEMBERS OF THE PUBLIC RISE IN THEIR SEATS FOR THE CEREMONY OF PRESENTATION.

(b) THE SERGEANT-AT-ARMS APPROACHES MR. HIRSCHBERG WHO TAKES THE BOOK AND HANDS IT TO THE SERGEANT-AT-ARMS

(c) THE SERGEANT-AT-ARMS PLACES THE BOOK ON MR. PRESIDENT'S DESK

(d) THE PRESIDENT, ON BEHALF OF THE CAYMAN ISLANDS LEGISLATURE, THEN THANKS MR. HIRSCHBERG, ET AL FOR THE GIFT.

(e) THE PRESIDENT ANNOUNCES THAT THE RIGHT HONOURABLE GORMAN IRVINE, M.P. OF THE UNITED KINGDOM PARLIAMENT WISHES TO MAKE A PRESENTATION TO THE HOUSE. MEMBERS, GUESTS AND PUBLIC RISE

(f) MOTION FOR ACCEPTANCE OF GIFTS:

TO BE MOVED BY MR. CRADDOCK EBANKS, J.P. (SENIOR ELECTED MEMBER) TO BE SECONDED BY CAPT. CHARLES L. KIRKCONNELL (FIRST ELECTED MEMBER FOR THE LESSER ISLANDS)

"RESOLVED THAT THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY ACCEPT THE GIFT OF A LEATHER-BOUND BOOK CONTAINING THE NAMES OF THE PAST AND PRESENT MEMBERS OF THE LEGISLATURE PRESENTED ON THE OCCASION OF THE CELEBRATION OF THE 150TH ANNIVERSARY OF PARLIAMENTARY GOVERNMENT AND THE GIFT PRESENTED BY THE RIGHT HONOURABLE GORMAN IRVINE, M.P.".

QUESTION PUT:

DEBATE THEREON:

(i) MR. CRADDOCK EBANKS, JP.

(ii) MISS ANNIE HOLDEN BODDEN, OBE.

(iii) CAPT. CHARLES L. KIRKCONNELL

(iv) HON. D.H. FOSTER, OBE., JP.

(v) HON. G. HAIG BODDEN

(vi) MR. CRADDOCK EBANKS, JP.

QUESTION PUT:

"RESOLVED THAT THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY ACCEPT THE GIFT OF A LEATHER-BOUND BOOK CONTAINING THE NAMES OF THE PAST AND PRESENT MEMBERS OF THE LEGISLATURE PRESENTED ON THE OCCASION OF THE CELEBRATION OF THE 150TH ANNIVERSARY OF PARLIAMENTARY GOVERNMENT AND THE GIFT PRESENTED BY THE RIGHT HONOURABLE GORMAN IRVINE, M.P.".

DISPERSAL -

THE DELEGATION LEAVES -

THE DELEGATION RISES AND BOWS TO THE CHAIR

THE SERJEANT-AT-ARMS CONDUCTS THE DELEGATION FROM THE CHAMBER

3. GOVERNMENT BUSINESS -

THE APPROPRIATION (1983) BILL, 1982

FIRST READING

THE CLERK: THE APPROPRIATION (1983) BILL, 1982

MR. PRESIDENT: THE BILL IS DEEMED TO HAVE BEEN READ A FIRST TIME AND IS SET DOWN FOR SECOND READING.

SECOND READING

MOVED BY: HON. THOMAS C. JEFFERSON, FINANCIAL SECRETARY WHO DELIVERS THE FINANCIAL STATEMENT (BUDGET ADDRESS)

4. ADJOURNMENT

MOVED BY HON. D.H. FOSTER, CBE. JP.

THAT THIS HONOURABLE HOUSE DO NOW ADJOURN UNTIL TUESDAY MORNING THE 23RD OF NOVEMBER, 1982 AT 10 O'CLOCK.

QUESTION PUT:

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FRIDAY, 19TH NOVEMBER, 1982.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF PARLIAMENTARY GOVERNMENT

10.45 a.m.

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 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 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 now as our Saviour, Christ hath taught us, let us pray together the Lord's Prayer:

Our Father, Who Art in Heaven, hallowed be Thy name, Thy Kingdom come, Thy will be done in earth as it is in heaven; give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us, and lead us not in temptation, but deliver us from evil, for Thine is the Kingdom, the power and the glory, for ever and ever, Amen.

And 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.

SERGEANT-AT-ARMS: Mr. President, Messrs. Hirschberg and Reiss, visitors from Transnational Limited and United Insurance Company, for the purpose of presenting a book to the Cayman Islands Legislature.

MR. PRESIDENT: Members of the Legislature, is it your wish that Messrs. Hirschberg and Reiss, visitors from Transnational Limited and United Insurance Company should enter the Chamber for the purpose of presenting a book to the Cayman Islands Legislature? Will those in favour please say aye, those against No. The ayes have it.

I shall be grateful if Mr. Craddock Ebanks, the Senior Elected Member of the Legislature and the Honourable G. Haig Bodden, the Fourth Elected Member of Executive Council and Chairman of the Cayman Islands Branch of the Commonwealth Parliamentary Association, will kindly escort the Delegation into the Chamber.

THE ELECTED MEMBER FOR NORTH SIDE AND THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL AND CHAIRMAN OF THE CAYMAN ISLANDS BRANCH OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION ESCORT THE DELEGATION INTO THE CHAMBER.

AS DELEGATION ENTERS ALL STAND.

MR. PRESIDENT: Pray be seated.

MESSRS. HIRSCHBERG AND REISS SEATED ON THE PLATFORM ON THE PRESIDENT'S RIGHT.

MR. CRADDOCK EBANKS: Mr.President, undoubtedly in my few short twenty-eight years of being in this career, I did not expect to be faced with this, but since I am, I believe I will be better equipped when the three hundredth anniversary comes around to take a part in it.

Mr.President, it is an honour and a privilege to be here and asked to welcome our distinguished visiting guests from various countries and I would like to extend to those visiting dignatories and parliamentarians, that it is a pleasure to have you in our small sunshine Island. If it happens to be the first time of your visit, I trust that you will be cheerful and do not carry too much sand and sunshine when you are going, but we want you to enjoy your visit to the fullest extent, and to take back with you fond memories.

I may give you this little tip while you are here. If you should get in problems the Commissioner of Police is always available, second, the President of the Assembly, who is the Governor of the Cayman Islands, and last, and I suppose least, Craddock Ebanks, the Elected Members. So I again wnt to welcome you with a very hearty welcome and trust that you will be happy while you are here and do not be afraid to move around and ask questions and we will attempt to make you as comfortable and as happy as possible. So, while you are here, enjoy yourselves, with an extra warm welcome.

I thank you.

MR. PRESIDENT: With the permission of the House, I will invite Mr.Reiss and Mr.Hirschberg to say a few words and to present the Book which they have so kindly brought with them for presentation to the Legislature today.

MR. REISS: Mr.President, it is indeed an honour for us to be here on this auspicious occasion, of the one hundred and fiftieth anniversary of self-government here in the Cayman Islands, a true expression of democracy which we firmly are committed to. I think we have made over the past five years a very firm commitment to the Cayman Islands, we have been most pleased with the co-operation of the Government and more particularly with the warmth, geniality and comfort that has been shown to us by all Caymanians, without exception.

It is rather humbly that we would like to present to the Assembly and to the people of the Caymans a small gift of gratitude for the kindnesses extended to us and to re-affirm our commitment to the Caymans and for an ever-growing involvement in the international community. Thank you.

MR. HIRSCHBERG: Mr.President, I come before you today as a representative and a Member of the Board of Directors of United Insurance Company. We wish to offer to you our congratulations on this very historic occasion.

When United Insurance was formed in 1975 we selected Cayman as a domicile for many reasons, not the least of

MR.HIRSCHBERG (CONTINUING): ...which is one of the reasons we are celebrating here today, a strong constitutional Government, administered by stable citizens, unaffected by the sectarian tensions which affect many other parts of the world.

We have watched Cayman grow and prosper since 1976, thankfully we have grown and prospered with you. We look forward to many more years of growth and prosperity for these lovely Islands, and when I say that I represent United Insurance Company, I represent 28 multi-national corporations who join me in these comments. 22 of the corporations are American, 2 are British, 4 are Canadian and 1 is Belgium.

We hope that you will accept from us today this small token of our appreciation for what you have done for us and accept it, as Mr. Reiss said, as a symbol of our commitment to Cayman.

Thank you very much.

MR. HIRSCHBERG PRESENTED THE BOOK CONTAINING THE INSCRIBED NAMES OF PAST AND PRESENT MEMBERS OF THE LEGISLATURE OF THE CAYMAN ISLANDS BOOK HANDED TO THE SERJEANT-AT-ARMS WHO PLACES IT ON THE PRESIDENT'S DESK.

MR.PRESIDENT: I know that in a few moments a motion for the acceptance of this gift will be moved and that Members will then be expressing their gratitude for your great generosity, but may I first take for myself the privilege of saying how enormously indebted we are to you for this handsome work of art, for that is what it is, as some Members will already have seen and as I am sure the remainder of the public will see in days to come. This handsome work of art, which I hope we shall be able, fittingly, to display within this Assembly building, as a permanent reminder to all Caymanians of those who served their Legislature during the first one hundred and fifty years of its existence.

I can think of no gift which would have been more welcome or happier on this occasion. Thank you indeed.

It is my understanding that the Right Honourable Codman Irvine, who is a distinguished visitor from the United Kingdom Parliament wishes to make a presentation to the House, and, if I may, I will invite him to say a few words and to make his presentation.

RT.HON.CODMAN IRVINE: Mr.President, on behalf of Mr.Speaker and the Members of the Commonwealth Parliamentary Association in the United Kingdom, may I add our congratulations to the good wishes on this memorable day.

That parliamentary government has survived in the Caymans for 150 years is a fully justifiable reason for profound thought. All parliamentarians here are deeply conscious of the link which binds us together and makes us all feel at home.

The first thing that strikes a visitor to this august and functional Legislative Assembly, which sets the tone for the proceedings and one has only to observe briefly the Mace, the Serjeant-at-Arms, the Clerk going about her business to realise that the machinery of parliamentary government is in good working order, but it is for the Hansard reports that one must turn if the Assembly is to be appreciated by those who are unable to be here for a Session. It is immediately apparent that this is the home of free speech, a House where Standing Orders are respected,

HT.HON.COLMAN IRVINE(CONTINUING): where the Presiding Officer's rulings are observed, where full use is made of question time and private Members' motions; where the opposition's right to be heard is respected and the Government of the day can proceed with its business as a part, but only part of the proceedings.

Whatever shortcomings of Great Britain as a Colonial power, and the systems which it has bequeathed to the Commonwealth, few would deny that parliamentary government is the greatest bequest of all. Here in the Cayman Islands it is obviously in good hands, a model for study and emulation.

It gave me great pleasure to hear Her Majesty the Queen in the Gracious Speech at the opening of our current Parliamentary Session at Westminster refer with pleasure to her visit to the Cayman Islands in mid-February when I understand she will be accompanied by Prince Philip in opening your 1983 Session. This will be a fitting addition to what is now an ancient and revered institution and will add to its history and future dignity.

I must express our deep appreciation of the support given by the Cayman Islands and indeed other Commonwealth Dependent Territories during the Falkland crisis and our special appreciation of the most generous donation of $500,000 for the South Atlantic fund.

We appreciate the importance attached by the Cayman Islands Legislative Assembly to the fundamental principles of parliamentary democracy. There are no parliamentary parties such as we know in the United Kingdom and there are unusual constitutional provisions, for example, His Excellency presiding as President of the Assembly; but these only serve to highlight the fact that the spirit which pervades a parliament is as important as the form of the legislative body itself.

The remarkable economic success of the Cayman Islands is outstanding. A generation or so ago the Islands were almost unknown and they are now amongst the world's major offshore banking centre. Together with that market tourism and offshore and insurance and company registration this has played its part in creating a CI$6M surplus in the Government accounts at the end of 1981 and the Government has assets of CI$25M. The Caymanians enjoy a standard of living higher than any other country in the Caribbean; education standards are high and the Police Force is the best in the Caribbean, in the main partly because of the strong support it receives from the Cayman Government.

Now I have the privilege of coming here for the second time with my wife, to these Islands and we went away fully aware of the land of soft and fresh breezes to which we were delighted to have the opportunity of coming back again. Apart from that, Caymanian people as any visitor to these Islands remain charming, kindly and gentle people that they look so forward to meeting once again, and so, Sir, it is a particularprivilege that I have a little parcel here which I hope will express to you the very warm feelings once again which we have at Westminster for the people of the Cayman and of this Legislature. It is something which I hope may be useful and will serve to remind you of the very warm feelings we have at Westminster for your Parliament and what a welcome there is for you if you ever visit us.

MR.PRESIDENT: Honourable Members, perhaps I may read the inscription on this, which, as you will all see, is a most handsome gavel. "Presented by the Westminster Parliament, 1982". I am sure that

MR.PRESIDENT (CONTINUING): you would wish me to say how deeply touched we are that the Parliament colleague in Westminster should be kind enough to honour us on this occasion with what is perhaps a usual tool of parliament, although I am happy to say one which in this Assembly, so well behaved, so orderly, so obedient are the Members that never have I had cause to feel the lack of one and I understand from my Predecessor that he never felt the lack either, but nevertheless I am sure it is something we shall all value greatly, even if we may decide that it need not be put to use too often.

Thank you so very much indeed.

If I may, I will take one further moment of your time by reading two messages which have come to us for the occasion. The first is from the Commonwealth Parliamentary Association Branch in Jamaica, regretting deeply that it is not now possible for them to be represented at these celebrations, thanking us for the invitation sent to them and wishing us a most successful programme for the day.

The Second message came from Mr.Russell, the former Governor, my predecessor and former Presiding Officer of this Assembly. And his message reads as follows -

> "As your predecessor in the offices of Governor and Presiding Officer of the Legislative Assembly I should be grateful if your Excellency would convey to all Honourable Members of the Legislative Assembly and Cayman Islands Branch of the Commonwealth Parliamentary Association, the Clerk and Officers of the House, my greetings and congratulations on the historic occasion of the 150th anniversary of parliamentary Government. There can be no parliamentary institution where democracy is more highly cherished or where Members feel so strongly that they administer a trust established by their forefathers on behalf of their constituents and generations yet to come. Your distinguished visitors will, I am sure, find that this trust is and will be faithfully discharged. With warmest regards, T.Russell.".

Now, if I may, I will call upon the Member for North Side, Senior Elected Member, to move a motion for the acceptance of the gifts.

MR.CRADDOCK EBANKS: Mr.President,

> BE IT RESOLVED THAT THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY ACCEPT THE GIFT OF A LEATHER-BOUND BOOK CONTAINING THE NAMES OF THE PAST AND PRESENT MEMBERS OF THE LEGISLATURE, PRESENTED ON THE OCCASION OF THE CELEBRATION OF THE 150TH ANNIVERSARY OF PARLIAMENTARY GOVERNMENT AND THE GIFT PRESENTED BY THE RIGHT HONOURABLE DUNCAN IRVINE, MP."

CAPT.CHARLES L.KIRKCONNELL: Mr.President, I wish to second the motion.

MR.CRADDOCK EBANKS: Mr.President, time would not allow nor words sufficient for me to find to put in place the thoughts, the appreciation of extending of our thanks and gratitude to these people, these organisations who have found it so becoming on this occasion to present gifts to the Legislature. I will not take up my time on this but we certainly do appreciate, I can assure them, of their thoughtfulness, their interest, their bringing and presenting to this House the magnificent gifts they have given to us. There will be some other Members to speak so I will not take up any more time and I leave it open to the other Members to follow.

MISS ANNIE BODDEN: Mr. President, I do count it a great privilege today to stand before you and to have a short debate.

are most fortunate in having such a long history. We have had hard times and we have had good times, but the solid foundation that was laid by good men, unfortunately in those days women were not allowed in the Assembly, but the good men who have built a solid foundation, and today we can look back with pride that we had such good men.

I would say like the Psalmist of old "What thanks can we render to God for all His goodness toward us", because surely had it not been for Divine Guidance we would not be here today celebrating this 150 years of government rule.

We have come a long way, I would say we have come from rags to riches and thank God today we are a strong, able financial centre where we have banking facilities, tourism and, most of all, association with that great and wonderful Empire, the British Nation. I would say that unless we had been linked to such a stronghold we would never have survived, and we can thank God today that we are living in a time when democracy prevails and in these Island we have a form of Government of which any citizen can be proud.

I would say my first association with Government was about 58 years ago when I was 16 years of age, and at that time all our Government could muster was $10,000 as revenue with an expenditure of $20,000, one is to hold on and today we can boast of millions. How did this come about? It came about because we had strong, good God-fearing men, who put God first and knew that He would fulfill his promises that if we ask believing we shall receive.

We have had a noble and grand set of former Caymanians, plus those who have come from abroad to assist us and we today can be proud of our success. I would like to say here and now that we had in the past stalwart men whom I like to refer to as six-footers and who laid a foundation, not on the sand, they laid the foundation on the solid rock and that rock was Jesus Christ our great leader and that is why today we have come the way that we have. Recently I was privileged to read one of the first laws and that law was for the Observance of the Sabbath Day, and it is all because of that that we today can stand here a free people, not governed by tyranny but a free people, a democratic country and I am sure that 150 years from today our spirits will prevail in this Assembly of the good that we, as Legislature, have tried to do.

We have failed in a lot of ways but we have worked together for the good of the Cayman Islands as a whole.

I would like, Sir, to thank the visitors who have come to us and let us know that we are represented. I would also like to thank the gentleman from the bank for that marvellous gift in which all our names are inscribed and I feel proud today to know that I am the only Lady who has the nerve enough to come out and represent her people. I am a very old lady now, 74 years old and my great, great fear is that I do not see a younger lady who would come forward and take my place when I am gone to glory.

Again, I say thank you one and all and I do hope and pray that we shall continue in the same good Godly way that we have gone. We have had noble Presidents and I trust that we shall continue in this way and to God be the glory and thanks to His Name for the great privileges He has bestowed on us. Thank you.

CAPT. CHARLES L. KINKONNELS: Mr.President, it is my privilege and pleasure to say how happy we are to have our distinguished visitors with us today. I would particularly like to thank Mr. Reiss and Mr. Hirschberg for their very handsome gift to this legislature, and I can assure you it will be cherished.

I would also like to thank the Right Honourable Godman Irvine, M.P. for his most worthy and appropriate gift. No gift, Mr.Irvine is as warm and meaningful as that given by a Mother. I cannot begin to tell you how grateful our people are for the beautiful gift, for the protection and the guidance that our Mother Country has given us over the past 150 years. May God bless, guide and strengthen her.

HON. D. H. POSTER: Mr.President, I would like to support the resolution and join my colleagues in sincerely thanking the donors of the two beautiful gifts that we have just received. I assure you all that they will be treasured and we will always remember you for them.

Mr.President, parliamentary government is a precious gift to those countries that possess it. We have now treasured this gift for 150 years: on our democratic foundations we have built solidly. We have now a happy and caring society, our economy is strong and our people live at peace and have opportunity to work in these Islands and to advance in prosperity. We must never accept these precious gifts without gratitude and without question, we must thank Divine Providence for the blessings we enjoy, without His Divine Grace these Islands would be as nothing. In the same way as it would be foolish to take Divine Providence for granted, we must guard our precious democratic institutions and be prepared to work for their continued success, and to defend them if need be from external attack or internal apathy.

At this time of our celebration and rejoicing, we think back to the Assembly of Justices and Vestrymen who met for the first time in 1852. Historical records of the period are few, but we know two things about those founding fathers of our parliamentary government: they were deeply religious men and at the same time men of character and self-reliance. They lived in scattered communities, communications were almost non-existent, they travelled by water to meet and to transact business, they had to contend with great forces of nature, hurricanes ravaged the Islands, but they had their deep faith in the Lord and their initiative with not merely to survive but to build in His Name. We have benefitted in untold ways from their vision and strength. In honouring them today and all the past and present legislators and officials of this Assembly, we must seek to match their faith and their accomplishments.

Mr.President, in supporting the motion I ask that we render our heart-felt tribute to the Lord for our present well-being, also that we remember with gratitude all those who have contributed to this legislative Assembly and prepared the way along which we may travel in humility and with the readiness to serve the Creator and our people. Mr.President, I thank you, Sir.

HON. G. HAIG BODDEN: Mr.President, in the Bible we read of those whose names have been written in the Lamb's Book of Life. It is appropriate that on this historical occasion we should have a book in which has been written the names of the illustrious legislators of the past.

The study of history shows that each generation occupies only a small part in the passage of time, yet the study goes on to show how much succeeding generations

HON. C. HAIG BODDEN (CONTINUING): are influenced by a particular generation. Cayman is what it is today because the generations of the past have made it so and our duty is to guarantee that we pass on to our successors the same legacy which we inherited from our predecessors.

The first election on December the tenth 1831 in the Cayman Islands is remarkable in that in that list of electrymen and magistrates we find names that are today predominant in our society, the names of Thompson, Parsons, Wood, Coe, Eden and of course, the ubiquitous BODDEN.

I have been chosen by the Elected Members of Executive Council to make these remarks because I am known for the brevity of my speeches. (LAUGHTER).

It is my desire to thank Messrs. Irons, Hirschberg and Ralss for the gifts which have been presented to this Assembly. It is a good omen when the business community participates in the Government by actively putting their money where most people have their mouths. We congratulate Transnational and United Insurance Company, Limited for the gift which we hope will become our Lamb's Book of Life and finally I would like to say welcome to the overseas guests from the United Kingdom, Canada and the Turks and Caicos Islands. We have a similarity with the Turks Islands in that both Turks Islands and the Cayman Islands were dependencies of Jamaica in the early days of British rule in these colonies, and Turks Island has been singled out for a special invitation because we did share the same type of government. Thank you.

MR. CRADDOCK EBANKS: Mr. President, I would like to thank the Members who have spoken on this motion, thank them for their debate on it, their support and I am glad that we had that amount of speakers because it would have cut my time from the hour that I usually would take up, so since they have done all this talking, it will reduce my contribution.

Mr. President, undoubtedly where we stand today, I do not mean in the building, the foundation that has been laid has been laid by two outstanding things, God was first and the people of the 150 years ago who settled in these Islands, they found it to be an Island of rock and a little bit of sand, so they thought it was the proper place to build on the rock. They have built a way of life, a way of living that is second to none in the world.

I noticed in the number of laws that are on display on the outside one particular one dealing with licensed premises; it was then mandatory that at 11 on Saturday night they close and dare not attempt to re-open until after 3 o'clock Monday morning! I hope the Attorney-General will read some of these laws. (LAUGHTER).

Mr. President our thanks go out to all that we have achieved, to the people and the countries that have helped us in our dire days. We knew what want was like but we were determined to live a high standard of life and I think on the basis of that we have achieved such heights and as has been said here this morning by investors, they chose these Islands because it has a stable Government, a good Government. We stand for freedom, we stand for free movement, we stand for good behaviour we stand for the gospel which was brought to our shores. When we continue to support the gospel and our fathers and forefathers and the foundation laid by them, and we will continue to build on, then I look forward for our young people to look at this, take a stand to continue the works so that the country will continue to be a better place to live in for the next 150 years.

MR. CRADDOCK EBANKS (CONTINUING): Mr. President, I again say I thank the donors for their magnificent gifts. I thank the visitors for being with us and I trust that each one will enjoy their stay in these Islands. Thank you, Mr. President.

QUESTION PUT; AGREED: THE MOTION WAS CARRIED.

MESSRS. HIRSCHBERG AND REISS WERE ESCORTED OUT OF THE CHAMBER BY THE ELECTED MEMBER FOR NORTH SIDE AND THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL.

GOVERNMENT BUSINESS

THE APPROPRIATION (1983) BILL, 1982

FIRST READING

CLERK: THE APPROPRIATION(1983) BILL, 1982

MR.PRESIDENT: The bill is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: THE APPROPRIATION (1983) BILL, 1982

HON. T. C. JEFFERSON: Mr.President, I move the second reading of a bill entitled the Appropriation (1983) Bill, 1982.

(SEE ATTACHED FINANCIAL STATEMENT)

BUDGET ADDRESS

TO BE
DELIVERED BY

THE HONOURABLE T. C. JEFFERSON, J.P.,

FINANCIAL SECRETARY

TO

THE LEGISLATIVE ASSEMBLY

AT THE

BUDGET SESSION, FOR THE YEAR 1983

HELD ON THE 19TH NOVEMBER, 1982

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Mr. President,

I am deeply honoured for the opportunity to present, on the eve of the 150th Anniversary Celebrations, the financial statement in support of the Appropriation Bill, 1983, which is now in the process of its second reading. Owing to the Celebrations and today's scheduled activities, I have been requested to deliver a shorter Budget Address than is customary.

Mr. President, I suggest to this Honourable House and the people of these Islands that the Eighties will be years of complexities with no easy answers. These years, I suggest, should be a decade of attitudinal changes. All of us, Caymanians and non-Caymanians alike, must make a concerted effort to shrug off the idea that Government must provide everything needed. I find it relevant, Mr. President, to quote a late President of the United States who said, "Ask not what your Country can do for you, ask what you can do for your Country."

There is a tendency, Mr. President, when Government is providing some facility, for most of us to want the ideal, we must be practical and realize the limited financial resources with which we are dealing. Every Capital Expenditure, Mr. President, has a future recurrent cost and both should be taken into Account before any decision is reached.

The Cayman Islands still need a lot to be done, speaking generally, first I believe Government must exercise prudence in its financial dealings, temperance in guiding the Country and justice for all those within its jurisdiction.

During these years, Mr. President, Government and Private Sector should work hand-in-hand to carry out policies which are needed to deal with the training of Caymanians and recruitment of specialized skills from overseas to assist the development of our economy. Those who come to our shores to take up employment should find their place in society and assist our social development as well.

Caymanians are noted, Mr. President, for their hospitality and their warm friendly attitude towards visitors and those who come to accept employment in our midst. We hope and pray that all those who will come among us will possess and display those same characteristics, so that the people of Cayman will be remembered, throughout history, as the friendly people of these three small Islands.

2. THE ECONOMY 1982

I shall now outline the performance of the major sectors of the economy during 1982.

a) Financial Sector

(i) Banking

This year started with the Cayman Islands facing new and formidable competition in the business of off-shore banking in the form of International Banking Facilities which the United States authorities had permitted to be established in New York and other financial centres. The IBF's, as they are known, are special departments of banks, established to carry out the eurocurrency business or a large part of it now being transacted through off-shore centres such as the Cayman Islands.

So far -- and it is still early days -- it appears that there is a place for the Cayman Islands and other similar off-shore centres to exist side-by-side with IBF's. Latest information indicates that bookings through the IBF's have reached $110 billion, around the same figure as that for the Cayman Islands at the end of 1981.

Despite the advent of the IBF's, it is pleasing to report that prime banks throughout the World have continued, during 1982, to apply for licences to operate from the Cayman Islands. At the end of 1981, which had seen a

record number of applications from first-class banks, 393 banks and trust companies held licences. By the end of this year, the number should be about 422. Let it quickly be said, however, that pride should be taken, not in sheer numbers, but in the standing of the banks concerned. Nor must there be complacency. The Cayman Islands must ensure that it is competitive, not only in price, but in the standard of services offered, and that the Country's image abroad is not tarnished. If the Cayman Islands fail to be competitive, or, if its facilities are used to harbour unclean money, the considerable benefits now received from hosting banks' operations will undoubtedly disappear.

Benefits from banking are considerable. Government revenue from licence fees from banks and trust companies operating domestically and off-shore is expected to be CI$3.33 million this year. No increase in licence fees is proposed for 1983 and revenue from this source is estimated at CI$3.46 million.

In addition to licence fees, banking and trust business continues to bring substantial benefits to the economy. In 1981, on top of licence fees paid to Government, banks and trust companies spent some CI$26.2 million in the Cayman Islands by way of capital investment and operating costs. Employment in the banks and trust companies is increasing steadily. At the end of 1981, 709 persons were employed, 73% of whom were Caymanians.

The total benefit brought to the Country's economy from hosting banking and trust operations is, however, much greater than direct expenditure and employment by the banks and trust companies. Finance for the development of the Islands and for trade has been far more readily obtainable than in similar countries which do not have a large banking sector. Loans and advances for local purposes now stand at CI$170 million, approximately double the figure only two years' ago. In addition, considerable employment is generated in accountancy and law firms and in other companies providing financial services. The benefit is felt by every sector of the economy, whether it be retail trade, real estate, or hotels and restaurants. Indeed, the constant flow of bankers and other visitors on financial business must represent a substantial part of total tourism.

The Government will do all in its power to ensure that the beneficial state continues. We are convinced that the future lies in hosting a clean and well-regulated financial industry. There is no place here for the "shady" operator.

(ii) Government Savings Bank

In August, 1982, Government announced its intention to close the Government Savings Bank and a Law was subsequently passed at the last sitting of the Legislative Assembly in September, 1982.

The Government Savings Bank was established in 1908 and has served the Islands for several decades as a reliable Savings Institution. However, with the attraction of the wider range of services offered by the number of prime banks, depositors steadily decreased.

It was, therefore, with deep regret that a decision had to be made to wind up the Bank's activities as a study revealed that it was no longer an economic entity.

(iii) Agricultural and Industrial Development Board

During 1982, the AIDB continued to process loans to sub-borrowers for agricultural and industrial development projects. Since the inception of the Board in 1980, through 30th September, 1982, 168 loan applications have been received. This reflects to some extent the increasing demand for credit by borrowers in the agricultural and industrial sectors in the economy of these Islands. The value of loans approved in 1982 through September stands at CI$164,000.

(iv) Cayman Islands Currency Board

On the 10th May, 1982, the Currency Board celebrated its Tenth Anniversary, its first decade having been a period of remarkable growth and achievement.

In 1972, currency in circulation amounted to CI$1.5 million compared to CI$7.4 million as at 30th September, 1982 (excluding numismatic issues). Ninety percent of the currency is in the form of notes.

The total assets stood at CI$12.0 million at the end of September, 1982. Approximately 21% of the Board's assets are invested in United States dollar bonds guaranteed by the Governments of the United Kingdom, United States of America and Canada.

In 1982, the Board transferred CI$1.2 million of the Board's 1981 net profits to the Government's General Revenue.

Therefore, the Currency Board is in a strong financial position.

A $50 Gold Proof Coin and a $5 Silver Coin was issued to commemorate the 150th Anniversary of Parliamentary Government and authorisation has also been requested for a commemorative coin to be struck to mark the visit of H.M. Queen Elizabeth II and H.R.H. Prince Philip in February, 1983.

(v) Companies Registration

This is the most important area of the Registry in terms of activities and is Government's largest source of revenue within the financial industry. Companies registration fees were increased as from 1st January, 1981 and for the period January through September, 1981, 2,475 new companies were incorporated in the Cayman Islands generating CI$4.27 million, in comparison with 2,259 new companies and CI$5.9 million for the same period in 1982. It is estimated that a total sum of CI$6.3 million will be collected.

(vi) Accounting Firms

International Accounting Firms are performing a valuable service to these Islands which has credibility around the World. Benefits to the economy are derived from employment and other direct and indirect operating expenditures.

Recent information indicates a total employment figure of 102, of which 63 are chartered accountants and 39 support staff.

There are 20 Caymanian student trainees, 9 of whom are sponsored to full-time training in the United Kingdom and the United States of America. Others are receiving practical training in the respective Cayman Office and released for 2 to 3 months intensive course prior to sitting examinations.

(vii) Legal Firms

There are currently 42 Attorneys-at-Law in active practice in the Cayman Islands covering a wide spectrum of legal services to the community. Twenty-eight of these are grouped in five multi member firms with the remainder being mostly sole practitioners, or two man firms. In addition to servicing

the local requirements for legal services, most Attorneys are also extensively engaged in an international practice giving support to the Financial Community. The Attorneys in the Cayman Islands give employment to at least 130 people, mostly Caymanians and it is estimated that the direct expenditures within the economy are in excess of CI$23 million. Considerable revenues are paid to the Government by Attorneys, some for their own account, but mostly on behalf of their clients. During the past 12 months it has been estimated that a total of at least CI$14 million has been paid to Government.

(viii) Insurance

The addition of insurance business to the base of the financial industry has assisted the diversification of the economy by generating additional tourist traffic and business for legal and accounting firms and banks.

The contribution to the economy by insurance companies, although still in its early stages, is making its mark. At year end, 137 persons were employed, 71% of whom were Caymanians. The direct operating expenditure was CI$4.0 million with capital expenditures of CI$5.2 million, mainly representing Transnational House. The British American Building is also under construction but figures represented by it are not included. Insurance fees are estimated to generate $1.0 million into Government coffers during 1982.

As of September this year, 63 additional applications had been received and to-date 245 off-shore and 22 domestic insurance licences have been issued.

If, in 1983, the United States and United Kingdom economies remain in recession, it is expected that applications for insurance licence will be less than in previous years. However, Government has agreed to strengthen the Superintendent's Office by the appointment of a Deputy who is a qualified insurance accountant and who will arrive in Cayman shortly.

b) Tourism Sector

The World recession has had crippling effects on the economies of most countries particularly those which are tourism related. The Cayman Islands, has, however, been holding its torch in attracting visitors. Cumulative figures through August, 1982, show air arrivals at 86,251, down 1.9%

from 1981. The estimated Third Quarter figure is 91,540 for visitors, Americans heading the list at 78%, Jamaica 9%, Canada 6%, United Kingdom 2.4% and a number of other countries representing the remaining 4.6%.

In contrast, however, Third Quarter cruise ship arrivals are 117,874 up 51% over total arrivals in 1981 and are projected to reach 158,000 by December.

Tourism involves the services of many other businesses, such as restaurants, taxis, diving, sportfishing and other entertainment activities and total benefits are larger than direct expenditure and staff employment.

Government Revenue from tourism sources is expected to be CI$1.7 million. Total employment is about 674 persons, 87% of whom are Caymanians. The direct expenditure during the year is estimated at CI$35.5 million.

c) Construction Sector

Construction has played a major role in stimulating the economy, as its spin-off effects are far reaching. Employment in the Sector will average 600 persons for the year. Direct expenditure is estimated at CI$23 million.

There has been a decisive shift of activity from condominium to private residential and office accommodation development. Moreover, with the recent decline in the U.S. prime rate, where the United States prime rate now stands at 11½ - 12%, more activity will take place.

d) Agriculture and Fishing Sector

The Turtle Farm project has utilised a considerable amount of Government's time and effort in attempting to have the ban lifted on turtle products imported into the United States. Two visits were made to Washington in this respect, the last one being primarily to testify before the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries United States House of Representatives. Similarly, U.S. officials from Washington visited Grand Cayman and met with both Government and the Manager of the Turtle Farm. The Portfolio is fairly optimistic that the ban will be lifted in the near future.

Marine Parks was another major project for 1982, the designation of which has been debated for a number of years and little progress was made until now. During the year, a Committee was organised to assist Government in selecting suitable sites and to recommend what activities, enforcement measures and methods of identification would be required in operating and maintaining parks of this nature. It is anticipated that a Report from the Committee will be forthcoming shortly.

e) Transport and Communication

(i) Cayman Airways Limited

The national flag carrier of the Cayman Islands continued operations on its existing international routes to Houston, Miami and Kingston. In February of 1982, a 48-passenger Hawker Siddley 748 was acquired for the inter-island service which provided the much needed increased capacity and passenger comfort on the domestic route. In July, it was used to inaugurate non-stop services between Cayman Brac and Miami utilizing two round-trip flights per week.

During the First Quarter of the year, Government approved a capital injection of CI$14.0 million in the Airline to liquidate the outstanding loan and provide working capital.

More recently, Government has agreed to upgrade the jet equipment of the Airline to improve its competitive status and provide for more economical operations. The new equipment, 2 Boeing 727's are due to arrive shortly.

Cayman Airways benefit to the economy is substantial. As of 5th November, 1982, 166 persons were employed, 136 in Grand Cayman and 30 in North America. Unaudited figures indicate total revenue earned during the fiscal year ended June, 1982, was $18.0 million. Direct expenditure within our economy is estimated at $10.5 million but the wings of the Airline spread over the entire economy.

Mr. President, the future of the Airline lies in the hands of Honourable Members and people of these Islands. I recommend that Cayman Airways management exercise strict financial control over expenditures because, without it, revenue however large, will be insufficient.

(ii) Cable & Wireless (W.I.) Ltd

Investment by Cable and Wireless (W.I.) Ltd in national and international telecommunications facilities will cost CI$7.75 million in 1982/83 financial year, and a further CI$4.0 million in 1983/84. Much of this expenditure will be on the new digital telephone system due to open in early 1983 which will offer direct dialling and on the expansion of the satellite ground station to provide additional international circuits.

The demand for telephone service continues to grow at about 15% per annum And for international services up to 25% per annum.

The Company employs 190 staff with direct operating expenditure of CI$3.3 million and are also very proud of their comprehensive training scheme. This year, 5 persons were sent on training to Sweden, 6 to St. Lucia, 3 to U.S.A. and 7 to the United Kingdom, of which 6 are pursuing 18-month courses plus Supervisors/Management Courses held locally.

Training pays dividends and the training of locals is viewed by Government as an investment in the human resources of these Islands.

f) Government Sector

(a) Finance & Development

(i) Revenue & Expenditure

Revenue for the current year is estimated to exceed the approved sum of $43.7 million by $3.6 million, or approximately 8%, to total $47.3 million by the end of the year. The additional revenue is mainly as a result of another record year in revenue derived from Stamp Duty (revised up to $6 million from $5.7 million) and a substantial contribution by the Currency Board of $1.2 million against the estimate of $300,000. Also supplementing the revenue was $3.4 million transferred from General Reserve to assist Cayman Airways. All of the main sources of revenue -- Customs, Companies Registration, Insurance and Banking -- are on target to collecting their respective sums estimated for the year.

The 1982 Approved recurrent expenditure of $39.1 million has been revised upward to $41.6 million, an increase of 25% authorised by supplementary expenditure Approvals during the year. The most significant

items of expenditure in excess of the approved estimates are:- purchase of $6.5 million equity in Cayman Airways Limited; the donation of £ 500,000 Sterling to the Falkland Islands Fund in the United Kingdom; and $348,664 supplemental to the cost of overseas medical cases.

Capital expenditure financed from local funds is revised at $11.3 million against an approved budget of $10.6 million. The increased capital spending of $759,000 (approximately 6%) is mainly in the areas of Airports Development ($315,000 supplemental to the construction costs of the Civil Aviation/Control Tower complex at Owen Roberts and $340,000 for the runway widening and extension at Gerrard Smith) and Port Facilities (a revote of $264,000 to complete the Cayman Brac Port). Capital expenditure being funded by loans has been revised downwards to approximately $900,000 from $2.5 million. Funds totalling $1.25 million and $0.5 million were approved for the proposed new Grand Cayman and Cayman Brac Airport Terminal Buildings respectively, in anticipation of loan approvals which are pending finalization with CDB and EEC. The 1982/83 Mission Administered Fund of the Canadian High Commission in the sum of Cdn$100,000 was allocated to four projects, namely:-

a)	Special Education Equipment	Cdn$25,000
b)	Central Sterile Supply Equipment	Cdn$31,000
c)	Water Lens Development	Cdn$13,000
d)	Frances Bodden Girls' Home Furnishings	Cdn$31,000

The project papers in respect of these programmes have been submitted for approval and funds will be drawn prior to 31st March, 1983, the end of the MAP fiscal year.

(ii) Public Debt

At the beginning of this year, the outstanding balance of public borrowing was $8.2 million raised from local banks, Caribbean Development Bank, the British Government and the European Development Fund. During the year, the CDB loan of US$1.5 million, to partly finance the new port in Cayman Brac, was disbursed and more than 50% of the loan of US$932,500 for the construction of main and feeder roads has been spent. The debt balance

at the end of the year will amount to approximately $8.5 million, a fractional net increase of $300,000.

Negotiations are now well advanced with CDB for a loan to partly finance the new Owen Roberts Airport Terminal Building.

The present level of public debt represents 18% of the revised local revenue for 1982, of which 2.3% is being utilized this year to meet the national debt payments. For 1983, the debt payments are estimated at $1.29 million, or, 2.7% of the estimated recurrent revenue. These figures represent a very comfortable national debt position.

(iii) Customs

Customs has again had a good year, with revenue collections to the end of September amounting of $12,531,437. If this trend continues, the estimated revenue figure for 1982 of $16 995 million will be achieved.

The Department is presently upgrading staff skills by having Senior Officers attend Customs and Excise courses in the United Kingdom and junior officers attend annual courses in Trinidad which teach fundamentals of customs work.

(iv) Computer Service

Systems development is continuing on projects for Immigration, Companies Registration, Lands & Survey, Trade Statistics, Tourism and Civil Aviation. A major effort encompassing all areas of finance will shortly begin. This will be divided into specific projects for systems development and implementation.

In addition, software packages have been obtained for word processing and statistical/data analysis. The former will provide improved capabilities in the documentation of systems and writing of correspondence, and will be helpful in designing small stand-alone systems which require only update and sorting of lists. The latter software will enable various departments to analyze data which they are already compiling manually without requiring systems development. Training in the use of this system will be available in late November.

(b) Internal & External Affairs

(i) Cayman Brac and Little Cayman

For Cayman Brac and Little Cayman, 1982 has been a year of significant Capital Development by Government. Construction of the District Administrations offices, a two-storey building, is just about complete. The building will provide offices for the District Commissioner, Customs Department, Lands & Survey, Treasury, Planning, Probation And Welfare, Education, new Courtroom facilities and Post Office. Particular attention has been given to Little Cayman during the year with the construction of the first mile-and-a-quarter of asphalt road now completed at a cost of CI$100,000. In Cayman Brac, the main north coast road was completely paved at a cost of CI$184,000.

Work on the development of the Gerrard Smith Airport continued with the installation of new runway lighting, blasting of rock encroachment, filling of the runway shoulders to 500 feet overall width and filling the 1,000 feet extension, now complete at a cost of $740,000. Other projects include an additional classroom at the High School for special education, a new Public Works Department vehicle maintenance building, improvements to the Faith Hospital including a standby generator, A lavatory-shower facility at the public beach and a Clinic in Little Cayman. Work totalling $484,000 continued on Cayman Brac pier with the completion of the sea wall and the filling of the marshalling area is partially completed.

(ii) Prison

The localisation process is continuing with staff structural changes completed by the end of this year, by which time the majority of the United Kingdom seconded staff will have returned to England.

Overcrowding in the male wing is a continuous source of concern but the completion of Phase II Cell Block which is due before Christmas will ease the Accommodation problem. It will provide 31 cells, offices and other facilities.

(iii) Police

With the continued growth and prosperity of the Cayman Islands,

the police phased its development to cover new needs as well as developing standard policing matters. Priority was given to the training of recruits under a seconded Officer from the United Kingdom with three-quarters of the police receiving basic to middle rank training, as well as training for specialist matters overseas. A new fleet of cars were provided for the Police Traffic Department and new techniques are being developed, particularly in relation to drink and driving and speeding offences. Strenuous efforts to control drug trafficking has met with considerable success and has been aided with professional liaison with the United States Drug Enforcement Agency.

Other developments have included a suitable Marine Section whose duties have ranged from sea rescues to enforcement patrols and have proved a very valuable wing of the Police Service. Recognition of the need for a Police Service to maintain stability of the Islands can be shown by the community response to volunteering to join the Civilian Special Constabulary whose numbers now equal those of the police and whose services have already been shown by commencement of crime patrols where and when needed and at national events. In recognising the many roles played by the Police in the Cayman Islands, the Government has granted financial assistance to provide for the manpower and equipment in this ongoing development.

A new Bodden Town Police Station has been completed with residential accommodation and a cell. Adjacent to the Police Headquarters, a new Police Vehicle Inspection Centre is largely completed. The building will provide a public waiting area, counter space, offices, driving test room and vehicle inspection bay. The old Prison has also been converted to office accommodation.

(c) Legal Department

The volume of work handled by the Attorney General's Chambers during 1982 continued to grow, particularly in connection with off-shore banking and companies.

All laws passed during the year by the Legislative Assembly were drafted in the Department which also prepared numerous items of subsidiary legislation. Among the more important of the laws referred to were the Caymanian Protection (Amendment) Law, 1982, the Government Savings Bank (Winding Up) Law, 1982 and the Banks and Trust Companies Regulation (Amendment) Law, 1982.

This year has also seen the coming into operation of the Legal Studies Course leading to the qualification as Attorney-at-Law of the Cayman Islands. Eight students have enrolled and the scheme is now fully operational.

(d) Agriculture, Lands and Natural Resources

(i) Lands and Survey

Business in Land Registry has remained strong. Instruments processed for the first 8 months of 1982 have surpassed even the record breaking figures for the same period in 1981. Value of land transfers including long leases total CI$46.0 million as of August, 1982, as against CI$44.3 million in the same period of 1981. Debt secured for the first 8 months of 1982 total CI$34.0 million against CI$38.5 million in 1981. Condominium units registered during the first 8 months of 1982 total 317. The backlog of work has now been eliminated and Land Registry is completely up-to-date in all its aspects. The Survey Department now enjoys a full complement and the number of surveys carried out so far in 1982 is up slightly over 1981. The post of Chief Surveyor will be filled shortly and this will result in a separation in the Department, in that, instead of having one head of department dealing with both survey and land registration matters, there will be two independent posts.

(ii) Mosquito Research and Control Unit

During the period January through September, 1982, the Unit undertook 192 air sprays and 323 fogging nights and maintained the expected mosquito control levels. A phenomenon which was noted in the swamp this year was that they are subject to repeated flooding and drying as opposed to other years when the swamp was almost permanently flooded after May. This condition resulted in the production of repeated high density broods of mosquitoes. In this respect, a further difficulty has arisen; to-date, the effectiveness of mosquitoes spraying has been based on timing them to coincide with the period of peak activity which is just after sunset. The Unit has now discovered that the nightly activity pattern has changed with fewer mosquitoes flying in the crepuscular period. Operationally, this has made insecticidal sprays much less efficient and if a solution is not forthcoming, it may mean resorting to more expensive and uncertain larvicidal sprays. Physical control by canaling

has also run into trouble due to the incidents of alternating deep mud and hard cliff rock in the Duck Pond control area. 1982 has been a negative year for mosquito control due, primarily, to favourable conditions for mosquito production, the advent of shifting activity patterns due to behaviouristic resistance, and difficulty in canaling the Duck Pond physical control area.

Planning Department

Development and planning activities maintained a high level during the first 9 months of 1982. 19 meetings of the Central Planning Authority were held during this period with a total of 480 applications determined, representing a figure of CI$56.1 million. A report of the survey of the Development Plan 1977 which, according to Law, must be undertaken at least once every 5 years by the Central Planning Authority, is to be completed by year-end. This will be presented to the Legislative Assembly during 1983.

(e) Health, Education and Social Services

(i) Health Services Department

At the George Town Hospital, renovation of the Out-Patients section was completed and a new appointment system instituted, adding considerably to the comfort and convenience of the public. Expansion to the Laboratory has been completed with provision for accommodating the Public Health laboratory. New equipment including a Biomedical auto-analyser and a Blood Bank have been acquired. The Blood Donor services have been revised and upgraded.

Under construction is a new Laundry and Parking lot located in the rear of the Hospital which will be completed by year-end.

Enforcement of fee collection which commenced in 1981 has been strengthened with the resultant increase in revenue in 1982.

A centralized purchasing and distribution system at the Hospital has brought order and promises to provide tighter control and greater efficiency. An extensive internal catalogue system has been completed for all medical and surgical supplies.

(ii) Education Department

Additional physical facilities for the school population were responsible for an estimated capital expenditure of $1,310,543. Of this sum $385,000 was allocated for the implementation of the Middle School Building programme comprising of an administration building with Staff Room, Sick Bay and secretarial space. The building is designed to match the existing Middle School and, in addition, a second canteen was constructed adjacent to the existing one. At North Side Primary School, a new classroom and special education room was constructed together with a small canteen at the George Town Primary School.

(iii) National Council of Social Services

The National Council of Social Services has had an encouraging year financially despite the severe strain on finances consequent on the continuing construction of "The Pines", Retirement Home.

Over CI$12,000 was raised during "The Pines" Week held in May and the Council is grateful to Government for a donation of $20,000 and a loan of $75,000 towards this ambitious project. Efforts are now being made to secure sufficient funds to complete the Home by the end of this year.

The general fund receipts at September totalled over CI$77,000 which includes generous donations from many individuals and businessmen.

(iv) Social Services Department

The Probation work of the Department has experienced a constant flow of juveniles appearing before the Court who were charged with varying and multiple complaints including burglary and theft. Various sentences were given including one overseas foster care placement and nine Approved School Orders. It is expected that overseas placements will reduce when the Girls' Home (Rotary Project) designed for 16 girls opens.

The 1982 Library provision was used to upgrade library resources and purchase additional reading material as well as equipment.

(f) Tourism, Aviation & Trade

(i) Department of Civil Aviation

At the end of September, revenue from aviation charges (Landing & Parking fees, Licensing of Air Services and Air Navigation fees) was approximately 100% above 1981 figures although one international carrier has recently suspended operations. This growth resulted from an increase in aviation charges which was approved by Government and became effective on 7th September, 1981. A new subhead, Aircraft Inspection was introduced with revenue estimated at $30,000. To-date, $56,148 has been collected.

A new runway lighting system comprising runway edge lights, simple approach lights, precision approach path indicator and wind cone illumination lights have been installed and will become operational as soon as the new Control Tower has been completed.

A chain link fence to enclose the perimeter of the Airport is now being constructed. Thirteen Security Officers have been hired, trained by the Police and are on duty 24 hours per day.

(ii) Hotel Training School

A total of 69 students took short courses in basic cookery and food services, Front Desk Procedures, Housekeeping Laundry and Condominium Management. In September, the school offered for the first time a full-year course in professional cookery and 16 students attend.

Six students are following the two-year full-time course for the Associate Degree in Hotel Management.

(iii) Marine School

In the Engineering Section of the Marine School, 18 cadets are pursuing a one-year full-time course in Marine Engineering. Part of their studies are carried out aboard the Cayman Protector.

The Navigation section has 14 students following a one-year full-time course in either pre-sea of 3rd Mate Navigation Course.

In January, one student from the Navigation section obtained his 3rd Mate's Licence.

(iv) Building and Trade School

A two-year full-time carpentry course commenced in January. 10 students enrolled for this course. Part-time ten-week evening courses were offered in Plumbing, Electrical and Masonry Studies.

(v) Fire Department

The Emergency Medical Technician Programme (E.M.T.) is working very satisfactorily. A very valuable service is being provided to the public.

The Fire Brigade is now attending Emergency Calls for Medical Related Incidents on behalf of the Medical Authorities, as well as serious road accidents. This is the only Service on the Island equipped and trained to deal with the rescue of persons from wrecked vehicles, aircraft, etc.

Instruction for the E.M.T. Programme is carried out by the Medical authorities and is based on the American system whereby a percentage of all personnel from the Emergency Services are trained to deal efficiently with seriously wounded or sick persons, until such time as professional help can be found. The course involves six months' theoretical training, followed by 300 hours of practical work in the Hospital's Casualty Section.

During the period, 11 staff members attended Fire Fighting and Rescue Courses in the U.K., Trinidad and Tobago. The courses were sponsored by UNDP and Cayman Islands Government with the assistance of Republic Airlines and the Commonwealth Secretariat respectively.

(vi) Pirates Week

It is most pleasing to say official thanks to the Government of Trinidad and Tobago for sending to Cayman a 30-piece steel orchestra as a goodwill gesture and cultural exchange, for the whole period of Pirates Week for which it underwrote the full cost.

The annual national festival known as Pirates Week has obviously gained populace acceptance and also attracts substantial numbers of visitors to the Islands, in what would, otherwise, be a very slow period for tourism.

Government appreciates the orderliness and good demeanor of all citizens and visitors during the week of festivities.

(g) Communications & Works

(i) Postal Service

The review of International Accounts undertaken by the Universal Postal Union Expert was completed which resulted in negotiations with the Postal Authorities in London And Washington that Accounted for a carried forward deficit of approximately $93,000 and earned approximately $31,840 in Revenue. A Postmaster was appointed, through the Commonwealth Fund for Technical Cooperation to review the Postal Services and implement operational procedures in accordance with the Universal Postal Union Standards. A team from the British Postal Consultancy Service were engaged to advise on a new Post Office, as the present building is proving inadequate for today's needs. This exercise cost $ 14,900.

Sales of stamps through the Third Quarter has increased from $657,560 to $685,840 in Postage stamps, or 4.3%.

(ii) Water and Sewerage

The Water and Sewerage Project Office has been in operation for twelve months. In that time, it has established a good base for the progression for the project and the achievement of its goals.

The project has assisted Government in forming a general policy and plan for water supply and sewerage. With the assistance of the United Nations, water legislation has been drafted which will give meaning to the policy and allow for the establishment of a public water supply and sewerage system.

The project has Already embarked on positive steps to alleviate a water supply problem in investigating and designing a well field abstraction system in Lower Valley to provide a much needed good source of water for the water trucking companies. This scheme will supply 100,000 gallons a day at a capital cost of CI$136,000. The Canadian Government is considering Cdn$10,000 to this project via its Mission Administered Fund in Kingston.

The United Nations are presently providing the full-time services of an Associate Expert Engineer and have agreed to provide a second Engineer

early next year, both these posts are at no cost to Government. The U.S. has also agreed to provide a three-month fellowship in Barbados for the Caymanian technician employed on the project. It has also funded the establishment of an excellent water laboratory.

An experienced engineer has been employed to concentrate on the sewerage side of the project. It is hoped that sewerage and water supply will develop in parallel thus reducing capital costs and providing the best solution to the problems.

The domestic water and sewerage survey is now virtually complete and a report will be published when all the information has been analyzed.

(iii) Public Works Department

The Public Works Department's overall Capital Works and recurrent programme for 1982 is projected to cost approximately $8.0 million. The programme includes roads, civil engineering work and the construction of new buildings.

ROADS

Twenty-two miles of roadway in Grand Cayman was surfaced at a cost of CI$2.1 million.

CIVIL ENGINEERING

Sea Wall, Hogsty Bay

An additional 60' of landing dock at Hogsty Bay has been completed this year to cater for cruise ship landing craft at a cost of $60,000.

Spotts Jetty

100 ft. of jetty at Spotts is well underway to cater for cruise ship traffic as an alternative landing site when weather conditions are unfavourable at Hogsty Bay. Completion is estimated in December at a cost of $114,200. The new jetty will be capable of berthing 4 landing vessels at any time.

BUILDINGS

The Department was called upon to carry out an extensive capital construction programme, the value of which was approximately $4.5 million and the details have already been given in comments on other Government Departments.

Airport Development, Grand Cayman

The new Cargo Apron consisting of Airport pavement construction will allow the freight plane direct access to the freight shed. These works were commenced in March, 1982 and are scheduled for completion in November, 1982, at a total cost of $307,000.

The Control Tower complex comprising Civil Aviation offices, Briefing Room and Control Tower commenced in October, 1981, is scheduled for completion in January, 1983, at a total cost of $965,000.

Preparatory work to the new Terminal is underway. The site has been cleared, the apron reduced to level and work on the access road has just commenced. This will be the major project for the coming year.

3. THE YEAR 1983

Mr. President, the Budget for the new financial year, 1983, details of which will be given later is $52.3 million, up $6.0 million or 12.8% above the previous year.

(a) The estimated total ordinary revenue for the ensuing year is $48.9 million, an increase of $5.2 million, or, 12% over the 1982 approved budget and a projected modest increase of approximately $1.5 million over the 1982 revised revenue figure. The latter increase translates into an estimated annual revenue growth of 3.1% compared with 4.6% in 1982, excluding new revenue measures which accounted for a further 7%. This level of growth in revenue, without new or increased taxation, is considered reasonable, providing it is sufficient revenue to balance the Budget and leave a surplus for contingencies.

One revenue item, Airport Concessions, which was previously combined with Airport Rentals, is now being shown separately for 1983 with a revenue provision of $42,200 under Departmental Revenue. Another separate item created this year with the opening of the new Legal Training Scheme is Law School Fees, with estimated revenue of $2,800 for this year and $9,000 for 1983. The fees are $350 per term for each student.

Over the past four years, the Cayman Islands have experienced phenomenal growth in annual revenue. In 1978, total recurrent revenue amounted to $17.1 million, while in 1982, revenue is in excess of $47 million, an increase of 176% over four years, or an average annual growth of 44%.

The total ordinary revenue derived from Customs Import Duty during the current year is almost equivalent to the Islands total annual revenue four years ago, i.e. $17.1 million. In keeping with Government's continuing efforts to assist in stabilizing the cost of the consumers' staple diet, it is proposed to remove duty from:

a) Baking Powder
b) Oatmeal
c) Cream of Wheat
d) Dry Macaroni & Spaghetti packaged in row form

(b) The 1983 estimated recurrent expenditure is $39.2 million, an increase of $4.1 million, or 12% over the 1982 approved expenditure, plus New Services proposals of $608,859, bringing the total to $37.8 million.

In keeping with the decision to delete from the Estimates posts which remained vacant for three months or more, as at September, 1982, the Budget Committee examined departmental submissions and reduced the Estimates accordingly. Only those posts which are essential to the service and are in the process of being filled have been retained in the Estimates.

(c) The proposed Capital expenditure for 1983 amounts to $14.3 million, comprised of Local financing of $11 million and loan funds of $3.3 million. This is a record high capital expenditure programme covering all major services and development projects, primarily those that are ongoing and those that will be concentrated upon during the next year. The latter projects will include:-

(i) the Owen Roberts Airport Terminal Building and Facilities;
(ii) the Gerrard Smith new Airport Terminal;
(iii) the Sports and Cultural Centre and Parks; and
(iv) the Water and Sewerage Project

4. CONCLUSION

Mr. President, the economies of the entire world depend on the economic activity in the United States of America and recently, we have seen mixed signals of its recovery. Therefore, in its attempt to exercise prudence in its financial dealings, Government has presented a balanced Budget for 1983 with an estimated surplus of $13,652. The latter, although small, demonstrates the financial attitude of this Government, while at the same time, putting forward the new Owen Roberts Airport Terminal Project, a major project, which will assist in stimulating the economy by providing employment and many required services.

The established posts in the Civil Service, as a result of an exercise carried out by the Budget Committee, increased by 10 over 1982 figures. Although there is a request for additional staff in the 1983 New Services, many departments will be computerized, effective January, 1983, and it is recommended that additional staffing requests be placed on hold unless it is urgent and in the public interest. Personal emoluments presently total CI$21.7 million, or, 58.3% of total recurrent expenditure.

Mr. President, I wish to express my sincere gratitude to the staff of my Portfolio, Finance & Development, for their support during the last eight months. They are a fine example of dedicated Civil Servants.

Mr. President, I recommend the Appropriation (1983) Bill, 1982, proposing an estimated sum of $50,608,778 to cover recurrent and capital expenditure and New Services in 1983. Excluded from this sum are the statutory provisions covering pensions and loan repayments amounting to $1,670,663. The total estimated expenditure is $52,279,441.

Thankyou, Mr. President.

HON. I. C. JEFFERSON: Mr.President, I move that the debate on the Budget Address be deferred until Tuesday of next week.

MR.PRESIDENT: The motion is that the debate on the Budget Address be deferred until Tuesday the 23rd of November.

QUESTION PUT: AGREED: DEBATE DEFERRED UNTIL TUESDAY, 23rd NOVEMBER, 1982.

ADJOURNMENT:

HON. D. H. FOSTER: Mr.President, I move the adjournment of this Honourable House until 10 o'clock on Tuesday morning the 23rd of November, 1982.

QUESTION PUT: AGREED: AT 12.55 P.M.THE HOUSE ADJOURNED UNTIL TUESDAY MORNING THE 23RD NOVEMBER,1982 at 10 o'clock.

BUDGET SESSION AND
FOURTH MEETING OF THE (1982) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON TUESDAY, 23RD NOVEMBER, 1982

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG. - PRESIDENT

GOVERNMENT MEMBERS

HON. DENNIS H. FOSTER, CBE., JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. DIRDLEY, LLB.	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. THOMAS C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN B. MCLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES
HON. TRUMAN M. BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. GARSTON J. SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BALMAIN 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. C.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. CHADDOCK EBANKS, JP.	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

*ABSENT: (APOLOGIES RECEIVED)

ORDER OF THE DAY
FOURTH MEETING (BUDGET) OF THE 1982 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

TUESDAY, 23rd NOVEMBER, 1982

2. PAPERS TO BE LAID ON THE TABLE -

(i) SUBSIDIARY LEGISLATION - THE TRAFFIC (AMENDMENT) (No.2) REGULATIONS, 1982

(ii) SUBSIDIARY LEGISLATION - THE PORT AUTHORITY (AMENDMENT) REGULATIONS, 1982

(iii) SUBSIDIARY LEGISLATION - THE PUBLIC HOLIDAYS ORDER, 1982 and 1983.

(iv) SUBSIDIARY LEGISLATION - PROHIBITED PUBLICATIONS ORDER, 1982

(v) SUBSIDIARY LEGISLATION - THE HEALTH PRACTITIONERS REGULATIONS, 1982

REPORTS -

(i) SELECT COMMITTEE ON MISUSE OF DRUGS (AMENDMENT) LAW, 1982

(ii) FINANCE COMMITTEE: MEETINGS HELD ON 16th SEPTEMBER, 11TH AND 29TH OCTOBER, 1982

3. QUESTIONS:-

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

NO. 64. WHAT ARE THE QUALIFICATIONS, INCLUDING MINIMUM AGE LIMITS, FOR APPOINTMENTS TO THE POLICE FORCE?

NO. 65. HAVE INVESTIGATIONS BEEN MADE INTO AN ALLEGED IMPORTATION OF COSMETICS, ETC., FOR A PRIVATE INDIVIDUAL WHICH WAS CONTAINED IN GOVERNMENT DENTAL SUPPLIES?

THE THRID ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 66 WILL THE MEMBER STATE THE NUMBER OF PERSONS PRESENTLY EMPLOYED BY THE DEPARTMENT OF TOURISM; HOW MANY ARE CAYMANIANS AND HOW MANY ARE NON-CAYMANIANS?

3. GOVERNMENT BUSINESS:-

THE APPROPRIATION (1983) LAW, 1982 - SECOND READING DEBATE (ON THE BUDGET)

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TUESDAY, 23RD NOVEMBER, 1982

10:00 A.M.

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

PAPERS

SUBSIDIARY LEGISLATION

THE TRAFFIC (AMENDMENT) (NO.2) REGULATIONS, 1982

HON. G. HAIG BODDEN: Mr. President, I beg to lay on the table the Traffic (Amendment) (No.2) Regulations, 1982, made under the Traffic Law (Law 16 of 1970).

MR. PRESIDENT: So ordered.

THE PORT AUTHORITY (AMENDMENT) REGULATIONS, 1982

HON. G. HAIG BODDEN: Mr. President, I beg to lay on the table the Port Authority (Amendment) Regulations, 1982, made under the Cayman Islands Port Authority Law (Law 14 of 1976).

MR. PRESIDENT: So ordered.

THE PUBLIC HOLIDAYS ORDER, 1982 AND 1983

HON. D. F. FOSTER: Mr. President, I beg to lay on the table of this Honourable House the Public Holidays Order, 1982 and 1983, made under the Public Holidays Law (Revised).

MR. PRESIDENT: So ordered.

PROHIBITED PUBLICATIONS ORDER, 1982

HON. MICHAEL J. BRADLEY: Mr. President, I beg to lay on the table the Prohibited Publications Order, 1982, made under section 43 of the Penal Code.

MR. PRESIDENT: So ordered.

THE HEALTH PRACTITIONERS REGULATIONS, 1982

HON. TRUMAN M. BODDEN: Mr. President, I beg to lay on the table the Health Practitioners Regulations, 1982, made under the Health Practitioners Law, 1971.

MR. PRESIDENT: So ordered.

REPORTS

THE MISUSE OF DRUGS (AMENDMENT) LAW, 1982

HON. MICHAEL J. BRADLEY: Mr. President, I beg to lay on the table the Report of the Select Committee on the Misuse of Drugs (Amendment) Law, which Committee was duly appointed by this Honourable

HON. MICHAEL J. BRADLEY: House on 15th September, 1982.

MR. PRESIDENT: So ordered.

FINANCE COMMITTEES

HON. T. C. JEFFERSON: Mr. President, I beg to lay on the table the Report of the Finance Committee dated 16th September, 1982, 11th October, 1982 and 29th October, 1982.

MR. PRESIDENT: So ordered.

QUESTIONS

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

NO. 64: What are the qualifications, including minimum age limits for appointments to the police force?

ANSWER: The qualifications as stated in the Police Regulations, 1976 are -

(a) he is of the age of 18 years and under the age of 28 years;
(b) his height is not less than five feet six inches; and
(c) he has submitted himself to medical examination by the C.M.O. and been certified physically fit for service in the force -

Provided that the Commissioner may, if he thinks fit, waive the requirements of paragraphs (a) and (b).

In addition to the above, the applicant must sit a written examination and a very rigorous medical examination.

SUPPLEMENTARIES:

MISS ANNIE HULDAH BODDEN: Mr. President, I should like to ask a supplementary question.

Could it be stated if all of the present police force are above the age of 18?

HON. D. H. FOSTER: Mr. President, yes, Sir.

MR. CHADDOCK EBANKS: Mr. President, a supplementary. Would the Member state whether weight is a requirement in the stature of the recruits to be considered?

HON. D. H. FOSTER: Mr. President, it is not a requirement at the present time, but I would think that when the recruiting is done attention is actually paid to this as well, Sir, with the height and the age and so on.

MR. BENSON O. EBANKS: Supplementary, Mr. President. Would the Member state whether all constables presently in the force were employed after their eighteenth birthday?

HON. D. K. FOSTER: Mr. President, perhaps I had better explain, Sir. Sometimes we take on a person who is a few months under the age of eighteen, but they are not taken on as constables they are taken on as cooks and they are kept in the Station doing various jobs until they are of the age of eighteen, after which they are appointed. But everybody who is now appointed is of the age of eighteen, Sir.

MR. PRESIDENT: If there are no further supplementaries, I will ask the Elected Member for George Town to ask the next question.

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

NO. 85: How investigations have been made into an alleged importation of cosmetics, etc., for a private individual which were contained in Government Postal supplies?

ANSWER: Yes. Investigations are still in progress as the matter is subjudice and I can give no further information at present.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

NO. 86: Will the Member state the number of persons presently employed by the Department of Tourism how many are Caymanian and how many are non-Caymanian?

ANSWER: The number of persons presently employed by the Cayman Islands Government in the Department of Tourism is thirty-five. Of this amount eight are Caymanian and twenty-seven are non-Caymanians the latter being employed mainly in the North American offices, located in Miami, New York, Chicago, Houston and Los Angeles.

SUPPLEMENTARY:

MISS LOUISE HOLIDAY HODDEN: Mr. President, with your permission, Sir, I should like to ask a supplementary question. And the question is this. Could I be informed how many Caymanians are employed locally and how many non-Caymanians are in the Island in this employ?

HON. JAMES M. BODDEN: Six and four.

MR. PRESIDENT: If there are no further supplementaries, that will be the end of question time, but before we move onto Government Business and the Appropriation Bill, Second Reading, perhaps I may invite the assistance of the House because my belief is that we may have made a slip in procedure. I had expected that after the Finance Committee Reports had been laid, the Financial Secretary would be explaining briefly their content and then I would be deeming the House to have agreed to a motion accepting the Supplementary Estimates. I think that is the procedure we normally follow.

Is it not the procedure that we move that the contents of Finance Committee Reports be adopted and that the House is deemed to have agreed to them under Standing Order 67(4), but I think we failed to do that this morning and perhaps if Members will bear with me we should put that omission right now.

REPORT

FINANCE COMMITTEE

HON. T. C. JEFFERSON: Yes, Mr. President,

A breakdown of the approvals given on the 16th of September, 1982 by Finance Committee.

TOTAL SUPPLEMENTARY EXPENDITURE APPROVED was CI$1,715,240.00.
CI$100,000 approved to meet early expenditure in connection with the Royal Visit.
CI$138,000 to develop the Lower Valley well field as the first step in the establishment of a water system.
CI$400,000 was approval to replenish the vote for sums expended on the Barkers Road and an additional CI$100,000 to provide funds to complete the Traffic Study recommendations.
CI$34,200 for the improvements of Ports to provide a Spotts jetty which will be used when weather conditions at Hog Sty Bay are unfavourable to enter for the cruise ships.
CI$340,000 was for the airport improvement at Owen Roes providing funds to complete the sub-base of the 1,000 foot extension and to commence the upgrading of the shoulders.

The Meeting of 11th October, 1982 -
APPROVED TOTAL EXPENDITURE of $938,830.00.
CI$7,275 for Head 28, Postal Department;
CI$150 for the same department to supplement the vote Supplies and Materials;
CI$8,235 to provide funds to deal with overseas mail service;
CI$175,517 to give funds to meet commission to staff members mainly Crown Agents in London;
CI$6,199 for Janitorial Services and
CI$5,500 for vehicle maintenance and hire charges.

All funds previously stated are for Postal Department.

In addition there was approval for a loan to assist the Seventh Day Adventist School and at this same meeting, Mr. President, approval was given for the issuance of a guarantee for Caribbean Utilities Co Ltd, which is seeking to upgrade its capacity by purchasing two 6.25 megawatt generators from Perkins in London

Meeting of the 28th of October, 1982 approved a total supplementary expenditure of CI$116,000.00. The breakdown -

CI$100,000 - is connected with the clean-up campaign broken down as follows:
- CI$30,000 to purchase additional garbage containers;
- CI$10,000 for a government vehicle which would deal with derelict vehicles along the public roads and perhaps also private properties;
- CI$60,000 provided for labour and other cost involved with the clean-up campaign.
- CI$16,000 is also provided for the Legislative Assembly to assist in defraying the cost of the 150th Anniversary Celebrations including the cost of video-taping those celebrations.

At this meeting funds previously earmarked for Cayman Airways were shifted from International Leasing Finance Corporation to Inter-First Bank, Dallas. Funds which were previously set aside as the remaining funds from the original approval given in March of $14 million, those remaining funds would be used to deal with start-up expenses such as training of crew and what have you in the leasing of the aircraft from Inter-First Bank, and the guarantee

HON. T. C. JEFFERSON (CONTINUED): of US$4.5 million by the Government to International Lending Finance Corporation was reduced to US$1 million to be used towards Inter-Final Bank of Belize.

Thank you Mr. President.

MR. PRESIDENT: In accordance with Standing Order 57 (4), the motion is deemed to have been agreed.

For the information of Members it may be helpful if I say that my understanding is that at this stage no need for any motion to be moved in respect of the Report of the Select Committee on the Misuse of Drugs (Amendment) Bill, 1989 which was laid by the Attorney-General because that is a matter which will come up substantively before the House at a later stage during this meeting when the Attorney-General will be moving that the Report be adopted.

So now I think we are in a position to resume, or open, the debate on the motion moved on Friday by the Financial Secretary, that is the Second Reading debate of the Appropriation Bill.

THE APPROPRIATION (1990) BILL, 1989

SECOND READING DEBATE (ON THE BUDGET)

QUESTION PROPOSED.

CAPT. MARRY C. KIRKCONNELL: Mr. President, I rise to make my contribution to the debate on the Appropriation Bill, 1989 with great pride in our accomplishments.

First I would like to congratulate the Honourable Third Official Member, Mr. T. C. Jefferson, Financial Secretary, for his eloquent presentation of the Budget Address on 16th November, 1989 to this Honourable House. Once again I am happy that we are debating a balanced budget, a budget of CI$57,279,611. A great achievement for a territory the size of ours and a population of approximately 17,000. We are achieving economic success unsurpassed by any territory of equal size and population known to me.

I noted in Mr. Jefferson's Address a statement which I consider a great motto and an important statement and I would like to quote it at this time, and I quote, 'Government must exercise prudence in its financial dealings, temperance in guiding the country and justice for all within its jurisdictions'. This, Mr. President, I consider a very important statement and one very fitting to our needs.

I now touch briefly on banking. It was most reassuring to me and encouraging that international banking has continued to do at a valuable role considering the establishments of new international facilities within the United States of America in recent years. The closing of our Government Savings Bank came with regret to all of us as a lot of sentiment had been attached to this organization over the years, but I, like others fully realize that we must make way for innovation and when something becomes not viable we must pass on to something better.

Our Agricultural and Industrial Development Board has been playing a very important part in our community and it is my hope that additional funds will continue to be made available to people who need and request assistance in furthering our agriculture and industrial development within the Islands.

I should at this time like to congratulate, Mr. President, all who have been connected with the Cayman Islands Currency Board on its tenth anniversary for a great job it has done and the success story that is told with total assets now of CI$12 million.

CAPT. MARTY S. MCCONNELL (CONTINUING): To be informed that overnight registrations have continued to increase and have contributed $6.3 million of revenue is again reassuring, and also that offshore insurance business is arriving and it is my hope that in the near future we can, with pride, claim to be the number one offshore insurance centre.

Tourism has not made any great strides in the year 1982, but just to have held her own I think has been quite an accomplishment. With most advertising programmes being instituted by countries in the Caribbean to bring our tourist trade and to think that we have been able to come as near to our figures of previous years is quite an achievement. I should like to warn the industry that we must improve our service and be very courteous to our tourists realizing that they are a very important part and one of the most important industries within the territory. So they must treated as welcome guests at all times.

Government sector has contributed heavily in construction and development during the year 1982 and will continue I am sure in 1983. Vast construction projects have afforded employment to hundreds of Caymanians which in turn has kept our economy in the state it is.

Our agricultural and fishing section, I would like to congratulate the Government on their efforts in securing the ban on importation of turtle products into the United States of America. This I hope will be successful as the Turtle Farm contributes in many ways to our economy. It offers considerable employment to local people. It is a great tourist attraction being the only turtle farm in the world and it in turn pays other persons in the community. I note with interest the introduction of marine parks. I think this is long overdue, but I would urge caution in their locations.

Transportation and communications. Cayman Airways - purchase of a 18 passenger Hawker Siddley 748 in February of 1982 has greatly improved inter-island service and the inauguration in July of non-stop service between Cayman Brac and Miami and return twice weekly has greatly increased our tourist attraction there and also has been a great convenience to our residents. On behalf of the people of Cayman Brac and Little Cayman, I would like to express our appreciation to the Directors and Management of Cayman Airways for the institution and improvement in service. I could not let the opportunity pass to comment on the Trislander which is supplementing our service along with the 748. It has served us faithfully and it is very important as it maintains the only schedule service to Little Cayman.

We would like to ask that whenever possible reservations be allotted for passengers from Cayman Brac to Miami and Miami to Cayman Brac in priority over those originating in Grand Cayman or destined to Grand Cayman from Miami as this is our only international link with North America.

We must also comment on the recent acquisition of two 727's to replace our present BAC 1-11's. I think we must congratulate our BAC 1-11's for their valuable service over the years, but like everything else we must move with the time.

It is my sincere hope that the acquisition and implementation of service by these two aircraft will be the turning point in the history of Cayman Airways. Mr. President, I would however the Directors to implement provisions laid down by Finance Committee, that is securing experts in all aspects of the airline operation to improve and to reduce operating costs wherever possible. I fully realize benefits derived from operating our national air carrier cannot and must not be minimized. I also realize that there is a limit on funds that can be made available to support this operation.

Mr. President, I would like to wish that we all unite to make Cayman Airways the success that we need it to be

CAPT. HARRY C. KIRKCONNELL (CONTINUING): and that it must be. I would continue to present to this Honourable House that our airline is an essential service and if world situations and our economics here dictates, it may be at some later date necessary to subsidize this airline in order that we may maintain our own national air carrier.

I turn now to Cable and Wireless. We are extremely encouraged to learn, Mr. President, of improvements and large expenditures being made on new digital telephone systems for Grand Cayman. We regret to report only minor improvements have been made in our telephone service in Cayman Brac in 1982.

Lack of telex and international voice service of a high quality operational every day coupled with many other world economic conditions have caused our ship to ship oil transfer operations to be greatly reduced in Cayman Brac. It is my hope improvements in the link between Grand Cayman, Cayman Brac and Little Cayman will be improved as soon as possible.

Government sector - Revenue and Expenditures. The revenue for 1982 which was anticipated of $47.7 million is now estimated to exceed the figure by $3.9 million or 8% to $51.3 million. This is most encouraging at a time when most industrialised nations are facing depression and recession - call it what you may.

Mr. President, I would now like to turn to the district which I represent, Cayman Brac and Little Cayman. The year 1982 has definitely been a prosperous year with full employment existing throughout. Much of this must be attributed to our Government for the vast capital expenditures made in these two small Islands during the present year. I refer particularly to the construction of the Government Administration Building, the start of construction on the Bluff Road, completion of the dock project, continuation of the new airstrip extension and other road improvements. Also a handsome Public Works Department complex is almost completed. Two of these projects, Mr. President, remain to be completed - they are the Bluff Road and the runway extension. I would ask Honourable Members to give serious consideration to providing funds that the almost run-way extension can be surfaced with hot mix in 1983 and also that funds be made available that the Bluff Road construction can continue. I say this not because I reside there, but we do face an unemployment problem in the year to come if Government does not carry on its road programme.

As I spoke earlier, the ship to ship oil transfer operation has been reduced; therefore many men who were employed in that field are now working for Government on these projects I have mentioned and if Government does not continue with its road programme and the run-way extension we shall be faced possibly with unemployment.

Little Cayman has come into its own during this year. For the first time they can boast of sand-sealed roads. Approximately two miles have now been completed. Also a clinic was established which has improved the medical facilities with a doctor visiting Little Cayman now regularly and on emergencies.

It is my hope that construction can be implemented in the coming year to improve the landing facilities for Little Cayman has what neither of the other two Islands have; a natural formed part of the Island where ships up to two thousand tons are now able to dock and with minor expenditure we can make this so that people can have access to bringing in their goods.

I would like now to touch briefly on Lands and Survey. Mr. President, it my understanding the Lands and Survey office in Cayman Brac will be removed from District Administration and placed under Lands and Survey Department. I trust this will improve and enlarge land transactions in Cayman Brac. I beg all Honourable Member-

CAPT. MABRY S. KIRKCONNELL (CONTINUING): that no steps be taken to restrict or close this Land Office in Cayman Brac. It performs a service to our people who, due to age, health or lack of finance, are unable to visit the Land Registry office here in Grand Cayman to transact business.

Mosquito Research. It is encouraging to note that Mosquito Research though having problems here in Grand Cayman was able, during the year 1982, to institute a spraying and aerial operation in Little Cayman. This I have been asked by the people of Little Cayman to thank all Honourable Members as it has certainly improved the comfort of their living with the eradication of our mosquito population.

Health, Education and Social Services. We are proud of our health system, but like everything else there are always needs and in Cayman Brac in the coming year we will be anticipating the installation of a new X-ray machine, but we will in time to come require additional bed space and the possibility of a second full-time doctor.

We should congratulate our Trade Schools, namely the Hotel Training, Marine School and Building Trade School. They are doing much to help provide qualified personnel to fill jobs which will become available in the years to come.

Our Fire Department has greatly improved and I congratulate all associated with that.

Also I would like to speak for a few minutes on our postal service. We are proud of the establishment that we have but I have asked the Honourable Member responsible if he would endeavour to see if direct dispatch of mail could be arranged from Cayman Brac by Cayman Airways' present non-stop carrier and he has assured that he will try. For this I thank him.

It is encouraging to see that Government continues its policy of removing certain items from the duty list. This time we are grateful that they are to remove baking powder, oatmeal, cream of wheat, dry macaroni and spaghetti packaged in row form. This will be appreciated by all users.

Mr. President, I would like once again to mention in this House that I feel the grant used for the removal of duty on kerosene oil. This is a commodity sold in very small quantities and consumed by people who can ill afford to pay high inflationary prices.

Just for a little on that, all petroleum products in the early days had an ad valorum duty on them. When road construction became necessary, gas oil and gasoline duty removed and an eight cents per gallon tax placed on it. That was when prices were still reasonable. Kerosene remains today on ad valorum therefore the wholesale price on kerosene is twenty-three to twenty-five cents per gallon more in the Cayman Islands than it is for gasoline. This is not duplicated in any other part of the world. So I would ask whenever it is possible that Government give serious consideration to this for as I said before it is used by our less fortunate people and in times of emergency if we should have power failures for lighting and possibly cooking.

In closing, Mr. President, I would like to say I consider ourselves a very fortunate people. To have economic success and stability we have, and I give thanks to Almighty God and to all who have helped to achieve our economic success and high standard of living, and in order to preserve our achievements every effort must be made to reduce our expenditures and assure the best value for every dollar.

Mr. President, as this will be the last time I will probably have the opportunity, I would like to express to you and your family and to all Honourable Members and their families a very happy holiday season and a very happy and prosperous 1983.

Thank you, Mr. President.

MR. PRESIDENT: Thank you.

MR. W. NORMAN FOSTER: Mr. President, Honourable Members, I take this opportunity to formally congratulate and thank the Honourable Financial Secretary, for a clear and succinct forward Budget Address, professionally penned and very ably delivered.

Mr. President, since the Honourable Financial Secretary mentioned the 150th Anniversary Celebrations at the beginning of his Address, if I may be permitted I would just like to digress for a brief moment to thank the chairlady of the 150th Anniversary Committee, Mrs. Sybil McLaughlin, the Clerk of our Legislature, for a splendid job well done in reminding this country, through this celebration of our great heritage of the freedom we enjoy and often take for granted.

In my mind the outstanding feature was the mixture of the many different people of all races from the children to the aged, the Caymanian and the non-Caymanian who all took part and helped to make this event the success that it was. This truly exemplified the free spirit prevailing in these Islands and we must never, under any circumstances, allow any strange ideologies by whatever brand they may be known, over nationalism nor power greed, rob us of the peace, tranquility and stability that have become the trademark of these Islands. My sincere thanks to you and your committee, Mrs. McLaughlin.

Now, Mr. President, returning to the Budget Address, the Honourable Financial Secretary has very clearly outlined the country's financial position wherein Government is still able to produce a balanced budget and show a modest estimated surplus at the end of 1983. The ability to generate sufficient revenue to meet an expenditure of over $52 million Cayman Islands dollars for a country our size in times like these and without, recent without resorting to new or increased taxation is by no means a simple task.

Considering the difficult days now being experienced by the leading nations of the free world and bearing in mind that Government, too, is also hit by inflationary costs to provide the services demanded by the public, we cannot help but acknowledge that in spite of it all we are indeed still most fortunate. It is nevertheless true, and this obviously is being recognized, that in comparison with prevailing world conditions high performance that we have become so accustomed to look forward to is just not evident in the current year nor the year to come.

Phrases like accumulated surpluses being transformed to general reserve will certainly not be easily uttered. The residual position for the current year 1982 tells us that expenditure will exceed revenue by $5.8 million and the redeeming factor is only the strong financial position in the form of $6.5 million, a balance which was brought forward from 1981.

Mr. President, one of the main reasons I have gleaned from the Honourable Financial Secretary's Address is this. It is high time to trim the coils. In reviewing the estimates of expenditure for the forthcoming year 1983, it appears to me that he has gotten his message across to government departments; because generally speaking, and with very few exceptions, votes for the various departments appear to be only fair and reasonable.

I have noticed that some departments have effected savings where possible and the increase in the number of established posts within the Civil Service is creditable. Likewise the projected total of ordinary revenue surplus of $49 million Cayman Islands dollars for 1983 also seems realistic.

The Honourable Financial Secretary, in his Address, used three words which stood out very strongly in my mind and they were mentioned by him, however before me words which I too am convinced are keys to the financial success of any country - prudence, temperance and justice. He stated prudence in financial dealings,

MR. V. NORMAN BODDEN (CONTINUING) - temperance in guiding the country and justice for all. To be of use to anyone these must become more than just words, but action taken to bring them into reality. This, Mr. President, sums up the policies which will continue to provide, what I have always termed, the climate conducive to the continued success of our financial sector and tourism on which we are so heavily dependent for our existence and survival. It has been pointed out and it cannot be repeated too often, our economic success hinges on the successful operation of banking, companies registration, accounting and legal firms, insurance and tourism. These, Sir, are our dollar earners and from whence cometh our bread. These play the important role in any returns projections we make and their success determines, to a great extent, our future.

Again, the Honourable Financial Secretary in his Address mentioned with pride the various training programmes and went on to emphasise the importance of training Caymanians to fill responsible positions within those organisations and I wholeheartedly endorse this. Caymanians must not be employed just to make up numbers or just so that the percentage or ratio appears high, but those who are prepared and equipped must be allowed to perform at management levels as well. Nevertheless, I also recognise that the successful operation of these businesses I have mentioned which are so vital to our economy is also dependant on their having available and at their disposal fully qualified and experienced staff to provide the high level of services expected of them by their customers and they must be given every assistance and consideration in order to accomplish this. I have always, Sir, seen this as a two-way street and believe that this fact must continuously be borne in mind.

This year we have seen a dip in tourism which, though small it be, is felt by every corner of our economy. This merely emphasises its importance to us. However, this is only to be expected in view of the adverse economic situation in our main market the United States of America. Two percent is very small when compared to the heavy losses being experienced by other Caribbean destinations. I do believe too that the strength of our position lies in the fact that many of the visitors to our shores combine business with pleasure and that because of our financial sector we will retain a fair market share in spite of the recession.

I next turn to agriculture and fishing. The genuine efforts which were made on behalf of the Cayman Turtle Farm with the United States' authorities are most commendable and we trust that success will be forthcoming within the near future. I must mention here that I was most impressed with the briefing we received from our Caymanian attorney in Washington, Mr Orman Watson, and I honestly believe that no stone will be left unturned by him in dealing with this matter and bringing it to the conclusion that we would all expect and anticipate.

I will also be looking forward to the report mentioned on marine parks and expect that during 1987 these will indeed become a reality. Conservation, preservation, by whatever name, of these God-given gifts for present and future generations and for the benefit of our visitors to enjoy deserve due attention.

Cayman Airways. Our national flag carrier which provides employment for approximately 110 Caymanians has embarked on a most ambitious programme with the introduction of the Boeing 737 aircraft which offers a forty-six percent increase in seating capacity. Although I have seen no provision in the Estimates, Government will undoubtedly be called upon in due course to provide financial assistance in one form or another.

The speaker before me, the Member from

MR. W. NORMAN BODDEN (CONTINUING): Gentlemen, mentioned the improvement in the domestic service and this has to be remembered, but nevertheless this local operation costs a considerable amount of money and I realize that many times funds earned by the international operations are used to subsidize the local service. However, the caution given by the Financial Secretary as regards ascertaining what control over expenditure is significant to note and should be heeded by those concerned with the running of offices of the concern.

Customs. In considering the revenue earning departments, I have to mention the Customs Department. It is expected that this department will produce, in 1983, revenue amounting to $18.7 million Cayman Islands dollars; eleven percent over that of 1982 and thirty-eight percent of the total recurrent revenue for the whole year. Now this department operates with a complement of thirty-four civil servants and I consider that they quite an efficient job for this country by any man's standard in handling the high volume of funds that they do while keeping expenses to a minimum in their department. The training that has been mentioned and the programmes that they have taken advantage of have obviously paid good dividends.

Internal and External Affairs. Mr. President, in dealing with expenditure I mentioned that there were few exceptions. Well, I must say that one of those is the amount of $259,638 Cayman Islands dollars under this heading which covers the Cayman Islands Law Bureau cost for information services. This is an expenditure which I did not support in the beginning and one which I am still not convinced is justified.

Police Department. I have noted under New Services that necessary assistance is being provided for this department as well as the Immigration and Fire Departments. Quite clearly these operations which are so heavily dependent on manpower and equipment must be given the means and the tools with which to do the job we expect of them. While the majority of other departments have a routine nine to five day, the long irregular hours and wide coverage required by these three departments that I have mentioned, even on a shift basis, demand considerable staff dedication and loyalty.

The cutback made in the control of drugs by the Police Department are especially encouraging and the pace must be maintained at all costs. The completion of the vehicle inspection centre will be a most welcome improvement for the traffic licensing department. I trust that the procedure can be somewhat streamlined in order to expedite the processing of license holders and make it simpler and easier for people seeking to conduct business with this department. In the past this has seemed like a very slow process and considerable time is spent here by the general public.

Mosquito Research and Control Unit. The Financial Secretary's explanation of the difficulties being experienced by this unit causes some concern. I can only trust that the valuable job of effective mosquito control that this unit has been conducting over the years will continue unimpaired by natural or any other causes because herein lies the continued success of our business community and tourism, plus the comforts of life without mosquitoes. I too am sometimes tempted to wish for the good old days, but I can assure you whenever I do so it is always without the nuisance of mosquitoes being around.

I next turn to Health, Education and Social Services. The setting up of a proper drug and alcohol programme is a facility which has been badly needed and I am pleased to see that the necessary provisions are being made for this. It is hoped that through this means we can salvage many of our young people and return them to our society better and useful citizens.

Much emphasis has been placed on the

MR. W. NORMAN BODDEN (CONTINUING) Sports and Cultural Centre due to be constructed in the coming year and just last Friday at the celebrations I was thinking just how more convenient it would be to have a centre of this nature to handle such activities. So in spite of the cost I believe that it will prove most useful.

The recarpeting of playing fields in the districts appear to have fallen behind; at least I should say some districts. Speaking for the George Town field on Eastern Avenue, this seems to have been somewhat neglected. It would therefore be commendable if the portfolio responsible could look into this as early as possible with a view to having the much needed repairs and maintenance carried out. I too realise that our needs are many and varied and it all costs money to accomplish these jobs, but the social needs of our young people cannot be ignored nor neglected. We need to continue to foster the interests that have been kindled in sports which will keep many of our young people out of mischief. There are others in our midst who devote their time free of cost who need to be encouraged to continue to make this contribution of helping our youth who are interested in sports.

Tourism, Aviation and Trade. The new airport terminal, Owen Roberts, and the terminal for Gerrard Smith Airport in Cayman Brac planned for 1983 and considered the major projects for that year are no longer luxury items to improve our image, but absolutely essential for our country's ability to cope with the increased traffic handled at these points of entry. These will be most appreciated by arriving and departing passengers as well as the personnel who work there. They are long overdue as far as I am concerned.

Additional sales staff for the Chicago and New York offices of the Department of Tourism also seem to be a good investment in a field that has become highly competitive constantly requiring reinforcement in order to hold our rightful place.

Communications and Works. It has been noted with interest that private roads are now included in the road programme and I therefore hope that some of the back roads leading to small neighbourhood in eastern George Town, the Crewe Road and other areas will receive much needed attention. Street lighting is also required in many of these areas as well. It is also pleasing to see that a seawall for the worse areas of inundation on North Church Street will be constructed during 1983.

Traffic. The ongoing traffic improvement programme for George Town and the installation of traffic lights at several dangerous intersections will be welcomed by the public.

One other important and necessary project which I have mentioned before and will repeat again is the construction of sidewalks in the areas where it is still possible to do so before certain sections are built on which would make this impossible or create considerable disruption in the future. The stretch of road on Walkers Road leading from the schools into town should be given some consideration at least. The number of school children using this road is increasing daily and the construction of the cultural centre in this area will add further to this. If just one life is saved as a result it will be well worth the investment. I ask that due consideration be given to this and trust that it will be given priority in the very near future.

Now, Mr. President, turning to Government's efforts to assist the consumers by the removal of duty from certain items, I am certain that this will as usual be most appreciated by the public. My only comment is that if it is really intended to bring a smile to the consumers face then baking powder should be substituted for soap powder or some other really essential item like imported drinking water for instance, believe me that would be fully accepted by all.

I note that the Member from Cayman Brac mentioned kerosene oil and they say kerosene oil, or oil generally, and

MR. W. NORMAN BODDEN (CONTINUING): water cannot mix. If it could be caused to substitute drinking beer for oil I withdraw my recommendation about the drinking water.

Mr. President, in looking forward to 1983, whatever clouds it may hold for us I too am convinced that through the strength and unity, through strong determination and faith in the future we can put our shoulders to the wheel and in our own values can chart the tide that will keep our good ship of state on an even keel.

Finally, Mr. President, I firmly believe that the Honourable Financial Secretary's first Budget Address to this Honourable House is a good yardstick by which to measure the capable performance that his high office demands. I believe that we can therefore expect great things from him and I for one wish to assure him of my full support at all times.

Before ending I would like to join my colleague from Cayman Brac in wishing to you, Sir, and your family and all other Honourable Members of this House and their families all the best for the coming holiday season.

Thank you.

MR. SPEAKER: Thank you.

I think it may be a convenient moment to take a short break and I will therefore now suspend proceedings for fifteen minutes.

AT 11:17 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:44 A.M.

MR. SPEAKER: Please be seated.

Proceedings are resumed. Debate on the Second Reading of the Appropriation Bill. Third Elected Member for George Town.

MISS ANNIE HILDAH BODDEN: Mr. President, First I would like to say that I am very pleased to welcome here the Honourable Financial Secretary who has presented quite a masterpiece and I feel, Sir, that he has given good advice to one and all of us to follow. I hope and pray his actions in this House will be no less successful than that of the former Financial Secretary.

Mr. President, I must admit that I have not had very much time to study my remarks. I have been extra busy and I promised not to speak today, but it looks like it falls to my lot to be amongst the first speakers. Sometimes I think it is deliberately done that what I say might be criticized later; but I am not a coward and I shall proceed to the best of my ability.

Mr. President, before actually going into the rest of this Budget Address I should like to congratulate the Clerk of this Legislative Assembly on the successful carrying through of the 350th Celebrations. I would say, Sir, it is the most remarkable thing that has ever happened in the Cayman Islands in the way of such an event, not only for the length of the time we celebrated, but the masterful way in which it was carried through. And it is the one thing, Sir, that I have not heard any ill favoured remarks on it. Everybody feels that it was a great thing and the only part of it that I am a bit sorry about is that every year we cannot have such a celebration. It was worthwhile and it mixed together all kinds of people. Every person, I believe today, who attended these celebrations were most impressed and I think it is all due to the good leadership of our present Clerk of the Legislative Assembly.

MISS ANNIE HUGHAM MORREN (CONTINUING): Mr. President, I feel that for such an act she should be considered. I do not know if there is any way or means of adding salary to her post, or what it is, but we cannot afford to lose the services of such a lady. Now I am not saying this just to compliment her as a woman, I am saying it from the bottom of my heart that I dread to think the day when we shall not have this good lady at the helm of the staff of this Assembly.

I must also congratulate all her helpers who assisted so ably and carried out the work to perfection.

Mr. President, I feel that the words of our Financial Secretary are well in order and I must repeat that the Cayman Islands Government must exercise prudence in its financial dealings together with tenacity in guiding the country and justice for all citizens. I feel that those three ingredients will continue to help us move forward in the same manner as we have done for the past 150 years.

I would agree that the private sector and the Government should work hand in hand and, Mr. President, one thing that I do not like to this that we sometimes, as Caymanians, tend to discriminate against what they call expatriates. I call them non-Caymanians and had it not been for non-Caymanians we might still be in the back woods.

There was a limited amount of people on this Island who had very much money and with the coming of sports of wealth there have added greatly to our financial standing and we today are able to be able to present balanced budgets, and budgets in which millions are involved. Just think of the meagre and humble way that we existed; no money, hardly any resources except thatch rope, of course the famous turtle and men had to be exported. That was the way that we derived our income. Men exported who had to go abroad worked like slaves, sent their wages remittances back home and built this country. And today we should join in thanking the non-Caymanians who came here and who have helped us to develop our country. I would say, Mr. President, that we should not invite any and everybody to come here. We should see that we get good, moral, God-fearing people to add to the number who come to help.

Caymanians, I agree, are known for their hospitality, but in these later years because we have become so engrossed in money matters we seem to forget some of that. Nevertheless, we are not that bad yet and I hope we do not get any worse.

Now the outline of the economy for 1983 shows that we have had a good year. We have made money, money, money, but as I had to say when I addressed this Session a year ago, we must remember the dream Joseph Pharaoh had and which was interpreted by Moses. That dream I would like to remind you that Pharaoh had was for seven years of plentiful, everything flourishing, but followed by that were seven meagre years represented by grains of corn and cattle. And what did the wise Moses instruct the great Pharaoh to do? To reserve for the lean days. And that is the same thing that I am advising us as legislators, as the keepers of the purse to do and that is to remember that after every rain there is a drought. After every boom or there is a lulling time and we today should with all our might try to save. We must not do without essentials, but we must see that the money we spend is well spent and not lavished as though money were going out of style.

Mr. President, we have studied the banking institutions for what they have contributed to our economy. It is astonishing, almost shocking, to think that in the olden days there was not such a thing as a commercial bank. The Government Savings Bank took the place and it made me very sad, Sir, to see that we had to close that Government Savings Bank.

I am saying seriously, Sir, that had

MISS ANNIE SULLIAN BODDEN (CONTINUING): we really put our efforts into it and tried to make it a paying concern we need not have closed it. We could have done better and remarkably it is closed, to me, it is a reflection on us as Caymanians that we did not have that something to keep that bank in operation when other banks came here and flourish and we could have done the same in a smaller way.

I remember, Sir, when I came to my knowledge about the Government Savings Bank, it was operated by just one lady. After that there were two others. At the extreme number there were three ladies running that and I feel that had we continued until skilled staff as the banks do we could have carried on and the bank would not have been a liability instead of an asset.

I will go on to add that the benefits derived from banking are considerable. Government fees have increased and that also adds to our revenue. Banking fees, trust company business, bring some substantial benefits to this economy. In the year 1991 passed on top of income tax paid to Government, banks and trust companies spent some $30 million in the Cayman Islands by way of capital investment and operating costs. Twenty-six million is quite a sum of money and we should do whatever we can to encourage this banking operation in the Island. As I have said, the Government Savings Bank as far as I am concerned was a sort of reflection on us to have to close it.

Now, Mr. President, agriculture and development. We need agriculture to keep us going. Just suppose something happened that our great neighbour to the northwest was not in a position to supply us the needed foodstuff, we could not survive for six weeks unless we learn to grow our own food. It happened in the old days, Sir, that each household had its small garden and that kept us going. We were not accustomed to the luxurious way of living as we are now, but we had the essentials. We had the fish which were abundant around our coasts, breadfruit the staff of life for the Cayman Islands, as Grand Cayman I should say and the other little necessaries were grown, some beans, different things were produced locally in small measures, but in the eastern districts it was their way of getting a livelihood and we must still resort to that: and any assistance that we can give to agriculture, in my way of thinking, is very essential and necessary.

Now the Cayman Islands Currency Board. I am very proud that ten years ago at that time I was one who was in favour of us having our own money. I had a colleague from Cayman Brac who opposed it greatly. My only objection was, and I have to repeat this, that most people wanted to have their likeness put on this currency and I said, "No, we do not need to glorify anybody, we shall have the Queen's picture put on it and different symbols which represent the Cayman Islands", and that has been done. Thank God it has proven a success.

Now economic restructuring is another great asset. Mr. President, I am not saying so personally because business, funds as far as I am concerned, but the first company to my knowledge which was formed in the Cayman Islands was the Cayman Islands Shipping Company Limited of which they owned the Cohasset and that formula had to come from the Jamaican law. We never even had our own law, but that company was registered. It took us days to turn it and finally it was put on record and the Cohasset built. The Cohasset, Sir, was a lifesaving which kept us from 1924 to 1940 when the ship was sold.

Now these companies they are doing a good job. We, I am sorry to admit, unfortunately did not have the privilege of too many of us having college education and degree and we needed people who could come here and assist us we should not do anything to hamper these people or keep them in suspense because we do not agree with their ideas and have them doubting on a strong basement of their work permits. We must encourage people who are qualified as regardless of colour, class

MISS ANNIE PUTLAN ROGERS (CONTINUING): on ground.

Now I am not familiar with the workings of insurance, but I leave it to the experts who know better. As far as I am concerned I have had some very rough dealings with insurance. I had four insurances at one stage: one was on health insurance and because I was sick they cancelled the insurance and I never got a cent. So I do not have much love for insurance as far as I am concerned, but I am very sure it is good for the country.

Tourism is a valuable asset for our country and I must refer to one man, your predecessor, who was I would say the original advocate for tourism and that was the Honourable Mr. Cardinal who tried in his day to promote tourism. He instituted what we call the regatta in early January of each year and that was the method which brought people from abroad to our country. And the present name of Pageant Beach is where the pageant was staged depicting the entrance of civilization, I would say, to our Islands.

We must be careful how we deal with tourism and we must watch that the hotels, etcetera, do not out-price themselves and bring calamities. Tourism is a great asset, but we should watch the way that it is conducted.

Recently I had two friends from California who would like to come here during the week of the Queen's visit. I enlod to book their passage and hotel accommodation and I was told $150 per day without food. Now not everybody can afford that, but the ladies told me that regardless of the cost they wanted to see the Queen so they were coming.

Construction has played a major role in the development of our country, but one thing that saddens me greatly is that as far as I am aware there is not a carpenter in the Cayman Islands. Save Mr. Elroy Arch, who could design and build a ship and he is an old man. That industry has gone out of existence. In olden days there were teams of shipwrights from North Side, South Sound, West Bay and George Town who could build ships and build them magnificently. Now I have not heard of a ship being built in this Island in years and that is a great loss to our economy.

Mr. President, when I hear that we are having problems with the advent of the Turtle Farm and the use of it to our Islands, one of the principle thoughts behind it seem to be that the Almighty has forgotten how to make turtles unless we can learn to that turtles or short. Mr. President, from the time I was four years old there was a famous sea captain, Captain William Scott Bodden, who was the commodore of the turtle fleet and in those formative days there were at least a dozen ships that ventured into the Nicaragua Cay and caught turtles, and they caught them by the thousands. So much so they had to make three or four trips to bring home their catches. Now that the number of vessels has been reduced, and I am sure God has not forgotten how to make turtles, I feel that turtles still abound around the Nicaraguan coast. In fact I have heard reports that the turtles there are abundantly thick and only that we have lost our concession to fish these turtles and other technicalities whereby today we are deprived of that privilege. And I feel, Mr. President, that we should encourage and try to keep this Turtle Farm going.

I must say that I was very proud, as I have been said, of Mr. Orrin Merren in the way which he presented to us in our Finance Committee meeting statements which he had made. I feel, Sir, that he has done his best and he has qualified himself to look after our interest in Washington although he is a young man with not very much experience.

Cayman Airways. Mr. President, I have always advocated and will always advocate that we need an airline to take care of us. In the olden days, Sir, it was the Cimbaco, but that

MISS LOUISE HUTCHINGS (CONTINUED): Airport was subsidized by the Cayman Islands Government. For the first part of its existence it was supposed to get £50 per month to run passengers, freight and mail, but during the war days it was increased to £100 a month. But the stipulation of it being subsidized is that we had to present regular accounts to the Cayman Islands Government: no slip-shod premises, no waiting until the year end, it had to be done on a six monthly basis. Pair or sunshine Government had to have those accounts and I feel, Sir, that such a stipulation should be attached to our investment in the Cayman Islands' airline.

We have injected a lot of money into this project and I still say it is a necessity, but a necessity that must be properly handled. I heard in the past week some very grave and I would say grave statements as to certain losses which have occurred and we cannot allow that to go on. It must be stopped, nevertheless of how it is stopped it must be stopped in a legal fashion and we must allow those who are responsible to be responsible and to see that the finances are not destroyed or misused in any way, shape or form. And I feel that us, who are supposed to hold the purse-strings of the finances of the Cayman Islands Government, as legislators must insist and I say must insist that we get proper accounting and that we are made cognizant of whatever is going on. It is our duty so that we can inform the public. I have gotten a lot of criticism along with my colleagues from Cayman Brac and West Bay because we published a statement concerning the operation of this airport. People do not believe it; they say we are foolish and to say it they said that we should have had front page coverage, but they said it was so long it was hidden away. Well it was hidden away for a purpose and that purpose is so that the public would not know the actual facts.

Mr. President, I am happy that Cayman Airways has found it possible to employ so many Caymanians, but I still think, Sir, that maybe they are over-staffed. But I would not have it said that I came here today to advocate any person losing their job. I want to see Caymanians at the helm of things in this Island with one exception: I do not want to see permanently, and I say this without fear of contradiction, a Caymanian second in command. And my reason is because we are too inter-wined as a family. If anybody was out there, and they had a con, naturally, and if he did anything wrong, they would try their best to cover it over. We want justice put this in the way to get justice.

Now, there is one exception. I knew a former Caymanian who sat in that seat who, I say without contradiction, was the most farsighted Caymanian who has ever been born in this Island to my knowledge and he carried on the work. He did a lot of good although he did not get much credit, but nevertheless he performed and helped us to keep this Island on a straight course.

Cable and Wireless. What would we do without this service? I have heard a lot of people say they were cut off and the service is going to do this, but it is so essential. We could not carry on as a tax haven, as a tourist resort or anything without such services. I remember many, many years ago in Mr. Cardinall's time there was a house telephone installation in Miss Bonnie Parlin's house. A Cuban by the name of Theodore was the chief operator and nine times out of ten you could never get a message through to the outer districts.

Mr. President, revenue and expenditure. I must say that we have had a phenomenal growth, but I feel that it is time that we consider and make some money because as I have said before we are having the good harvest. The cows do in abundance, the cattle is in abundance, but what about the lean years. A friend of mine told me a couple of days ago that they heard a broadcast in the United States of America by President Carson. I do not think he meant to do or the air,

MISS AMBIE HULDAH HODDER (CONTINUING): but he said America is in a hell of a mess. Well we would be in a hell of a mess unless we voted Democrat.

I must say, Sir, that I was very proud of the donations we were able to send to the great mother country, and it gave me the delight, me personally, that should such a thing ever happen to us we would get the same consideration as the Falkland Islands. We are a remote Islands in the Caribbean. Up to twenty-five years ago, I would say, we were ignored of, but I am very sure today we are on the map and we are here to stay.

I am glad that we shall be able to have a new airport. Still my way of thinking is that it is not too bad considering it was built from the kimmeka. We have improved on it, but if finances are available let us get the best.

I am a person, Mr. President, who believes in getting the best. If I cannot get the best of anything I do without it. I am very content to have nothing, but when I do get anything I want to have the best and I want the best for the Cayman Islands. We have, I would say and I have heard it, the best parliamentary building in the West Indies. We have a great Court House and Administration Building. Everything so far is the best for what we can afford.

Now, Mr. President, I am a person who is a bit afraid of debt. We have had to get extra money to help us along, but I feel that we should endeavour as far as possible, although we may have been given a long term to pay it off, to pay this debt if and when we can afford it as soon as possible.

Mr. President, as far as I am concerned the Customs Department of this Island is the chief money earner and I would like to see, in the not too distant future, a proper customs house built. We need it; furthermore we need it for safety. I remember many years ago we did not even have a proper safe in that old building. But now I think that has been improved. However, we still need to have a proper customs house. When we think that such a fabulous amount has been realised through import duties, surely we should not deny them the privilege of having a proper house to store their documents.

Yes the computer service, I am sure, has been a great help. I am not very mechanically minded, however, I am very sure those who attend to it know that it is a great service and I think our Government should be congratulated on the thought of having such an establishment.

I am happy to have heard the good reports about the sister Islands. I feel, Mr. President, that they donate their bit to our revenue and they must be given a fair share of whatever we have. We should not be like some people whom the big sisters and brothers take all the good looking the scraping for the younger ones. That is not the way we must be. We must give the Lesser Islands their share in everything and assist them in every way possible.

Mr. President, the prison is a necessity, but I am not very happy to think that in these days we have so many people who are breaking our laws. In the olden days, Sir, when we had courts, more than as Friday court, sometimes they could not even have Friday court because there were no cases, the people were so well behaved. There were hardly any robberies, no murders, we had about six or eight policemen and they were people that I always recommend - six footers - and everybody was afraid. Little children were afraid of those men and I feel, Mr. President, that while today we have numbers we have not got the type that I feel would enhance our police force. We have some there, but we do not need little mats, small people are not effective.

MISS ANNIE HULSAH ROSDEN (CONTINUING): I was advised once when I was
getting small people that one of the most renowned figures in
history was a mute, and that was Adolph Hitler. I do not know if that is true,
but he had brains and used it in the wrong direction. So it is not size
alone that determines brains, but at least, in my way of thinking, as a
policeman we should look up to people who are brighter than these generations
who sometimes feel as though they are insane.

Now I am very pleased to see that Belize
Town has had its own Police Station built and I feel that while I hope
it will not be used too often it is a good thing in the community.

I am very sure that our Local Government
has done a magnificent job in drafting and putting together all these
laws. One thing that I am a bit concerned about is the British Nationality
Act. I do not know if we will have to wait for Legislation on what
we have to do, but I am sure that will come in due course.

The Lands and Survey Department. I must
tell you, Sir, I was a great opponent of that, but it has worked wonder-
fully and I feel that it has done a good job considering under these
land questions do not bring too much trouble these days. Before that, Sir,
every Grand Court which was held in June and December cancelled the
people from the Eastern District had their cases, I would not call
them land cases - they were wars, but now that has been settled.

I cannot also praise enough for the
Mosquito Control programme. Mr. President, if there is one thing that
would keep tourists and anybody from our Islands would be if we had
the curse of mosquitoes like we had now in the year of 1965. But we
have eliminated that pest up to an extent and I feel it should continue.
Regardless of how much cost, within reason of course, we should try not
to overall and make the mosquitoes eat us again.

I am very pleased with the Health Services
and I have had special recommendation from one Caymanian doctor who
seems to be doing a magnificent job and this morning I was told by
somebody, whom he had operated on what a very good job it was. I think
we should all be proud and keep him if at all possible to stay and help
us to run our hospital.

Education has taken many strides and I
feel today we owe a lot of gratitude to a former Commissioner who intro-
duced the Education Free Law in 1920 and it has continued ever since and
we cannot do anything to deprive those who would study to have the
facilities of a proper education. If we are ever to make this Island
without the help of outsiders we must have educated people and education
means a lot of sacrifice. It means hard study and I have said many times
who have the advantage they take and make good of it.

National Council of Social Services. They
have done a great job and the construction of the Place is indeed an
asset. I hope that I might not have to go there when I have to get
older; if I do, but I am sure happy that a place such as this has been
provided to take care of people who cannot take care of themselves.
One thing, Mr. President, that I feel is that we should have legislation
whereby if I have property and I have heirs and sons and daughters, I
should not be allowed to give away my property to these people and then
expect the Government to keep me in the Place. I feel that we should
make some regulation that if I should be put there Government should
get some benefits from what I can unless my family are prepared to
take care of me and pay the expense.

The Department of Civil Aviation. I am
sure that is going on in a right manner. I am not too familiar with it
Sir, but I am sure it is in the hands of good people.

What I would like to touch on, Sir, is
the Civil Service Department. I feel we owe a debt of gratitude to the
men and women in the Civil Service who are brave and carried
on so faithfully, Mr. President,

MISS ANNIE HUDSON HOWARD (CONTINUED): it has only been in recent years that they have been able to earn enough money to live, I would say, above poverty. But, nevertheless, they have fought - they were not clock-watchers those old time people and the present ones, I am sure, are doing their best. But I would not like to see any discrimination given to any civil servant, not because I have a son and I am in the Assembly that he or she should get concessions. It must be a fair paying job and I leave it, Sir, to you and I am sure that you will see that things are formed in the right orderly manner full of justice.

These Trade Schools are helpful and I feel they are doing a good job, but I am not sure that with the money that is being spent that sufficient people are taking advantage of it. But I trust in the coming year that they will see the advantage which they have and follow up.

Now, Mr. President, I might as well speak the truth. I am not happy with the name of Pirates Week. I do not like the name of it. We are not pirates - we have come from respectable people - some of them were deserters from Cromwell's army, some were deserters from armies elsewhere I suppose, some non-Christians - because in those days as I understand history we were inhabited by cavities. So people must have come from somewhere; but I do not like this name of Pirate's Week. I would rather see what we call a festival; let em last a week or longer if necessary, but not this name pirates. We are not pirates and it is so, in my way of thinking, derogatory. I am not against this celebration, but I am against the name and I hope and pray and trust that this year we will have another name for this so called Pirates Week.

Now the Postal Services. We have come a long way in presenting regularly special covers which I am sure have added greatly to our revenue and besides that we have been put on the map more.

Water and sewerage. I hope in the not too distant future that that will become a reality. We need it very badly and I am sure while it is an expensive proposition that in some way or another funds will be provided to take of this.

Now, Mr. President, this year 1963 I am repeating that I feel caution should be taken to cut corners and save expense whenever possible. We have come a long way; we have done our best and I would not advocate that our civil servants or any essential service to Government be curtailed. We must keep on the good work, but any unnecessary expense should be avoided.

Now, Mr. President, I will join with my colleague from Jacrye Town and Cayman Brac to say that baking powder is not an essential. Oatmeal is a good morning breakfast and so is cream of wheat, but as far as I know, Sir, bread and dry pancake has been taken care of already and it is duty free. I could be wrong, but this is what I remember. I feel, Sir, that this which has been mentioned here so often is a necessity: and kerosene oil I agree likewise because after we came from button-wood stage of cooking, kerosene oil - those who could afford it. Then we moved on to primus and some have even gone to get electric stoves, but kerosene oil, Sir, was the staple item that was used in cooking among the poorer class people and I feel when we are making concessions the poorer should be considered.

Mr. President, in conclusion I should like say that I feel that we are greatly honoured to have you as our President. I hope and pray and trust, Sir, that you will long occupy the seat and that you will hold the reins in such a steady way that you will not let us get unruly or try to misbehave. We are, as I said, God-fearing people, but we are sometimes very hard to deal with. But I feel, Sir, in your good able way that you will be able to keep us

MISS ANNIE HULDAH BODDEN (CONTINUING): on the right course.

I wish for you, Sir, and your family and all in this Chamber a very prosperous and happy Christmas and a good new year.

I saw on the front of the Compass this morning 'Xmas'. I do not like that term: it is not 'Xmas' it is 'Christmas' and I wish that we should all observe that.

Again, I thank you and I hope and pray that 1988 will not be any worse than the year which we are now seeing ending.

Thank you, Sir.

MR. PRESIDENT: Thank you.

I think it may now be a convenient time to adjourn, but before adjourning there is just one request I would like to make of Members. My understanding from a number of them is that this may in fact be quite convenient for them. My request is this that there a number of points, some concerned with the arrangements for the present meeting of the Assembly and others concerned with the forthcoming Royal Visit, and others again with minor matters which I think it would be convenient for us all to discuss informally and certainly it would be very helpful to me to have the opportunity of obtaining all your views about the Royal Visit and about particular points connected with it before a reconnaissance team from the Palace comes here later this week. So what I would like to propose is that instead of meeting again at the usual time at two thirty this afternoon, we should start by meeting privately in the Committee Room for half or three quarters of an hour, however long we take, and then resume proceedings in the House after we have had that discussion.

Perhaps Members would be kind enough to indicate whether that would be convenient for them. I sense that people would be happy with that. Well, would two thirty be a suitable time? If then we could adjourn this meeting until some indeterminate time this afternoon, but agree that we will meet in the Committee Room privately at two thirty.

Thank you.

AT 12:28 P.M. THE HOUSE SUSPENDED

BUDGET SESSION AND
FOURTH MEETING OF THE (1992) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON WEDNESDAY, 24TH NOVEMBER, 1992.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD CMG, - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS A FOSTER, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, LLD	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C. JEFFERSON	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 CIVIL AVIATION AND TRADE
HON C RAIC BODDEN	MEMBER FOR COMMUNICATIONS & WORKS

ELECTED MEMBERS

MR J GARSTON 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 HULDAH 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. MARRY 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

THIRD DAY

WEDNESDAY, 24TH NOVEMBER, 1982

1. QUESTIONS -

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

NO.67: IS ANY AMOUNT OF TRAVEL TAX OUTSTANDING TO THE GOVERNMENT AND IF SO WHAT IS THE FIGURE AND BY WHOM IS THIS OWED?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.68: WILL CONSIDERATION BE GIVEN TO PAINTING THE SEA WALLS AT "RED SPOT" (NEAR TO THE WHOLESOME BAKERY) AND THE SEA WALL IN FRONT OF THE "ISLANDER THEATRE" AT OLD HOUSE BAY, IN GEORGE TOWN?

NO.69: WHAT IS THE COST UP TO THE 31ST OF OCTOBER, 1982 OF BUILDING THE NEW ROAD FROM TORTUGA CLUB IN EAST END TO NORTH SIDE?

2. GOVERNMENT BUSINESS: -

THE APPROPRIATION (1983) BILL, 1982 - SECOND READING DEBATE ON THE BUDGET - CONTINUATION OF

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WEDNESDAY, 24TH NOVEMBER, 1982

10:00 A.M.

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

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

NO. 67: Is any amount of travel tax outstanding to the Government and if so what is the figure and by whom is this owed?

ANSWER. An amount of CI$261,340.00 is outstanding at the 12th November, 1982 in respect of travel tax which is accountable by Republic Airlines, Air Jamaica and Cayman Airways.

SUPPLEMENTARIES

MISS ANNIE HULDAH BODDEN: Mr. President, Sir, with your permission I should like to ask a supplementary question, and it is this. Could I be informed the exact amount that is owing by each of these Airlines?

HON. THOMAS C. JEFFERSON: Mr. President, the amounts are: Republic Airways $12,480, Air Jamaica $4,931, Cayman Airways $244,028.

CAPT. CHARLES . KIRKCONNELL. Supplementary, Mr. President. When are we to expect Government to set up a department at the airport to deal with the collection of travel tax?

HON. THOMAS C. JEFFERSON: The answer, Mr. President is that within the new services there is a request by my department to have or to recruit a Senior Clerical Officer who will collect the travel tax at the airport.

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Could the Honourable Member tell us what arrangements have been made for the repayment of these outstanding amounts.

HON. THOMAS C. JEFFERSON: The answer, Mr. President, is that a sum of $244,028 has been paid by Cayman Airways this week on travel tax.

MR. PRESIDENT. If there is no further supplementary, I will turn to the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATION AND WORKS

NO. 68: Will consideration be given to painting the sea walls at "Red Spot" (near to the Wholesome Bakery) and the sea wall in front of the "Islander Theatre" at Old House Bay, in George Town?

ANSWER: Yes.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 69: What is the cost up to the 31st of October, 1988 of building the new road from Tortuga Club in East End to North Side?

ANSWER: Amount spent up to the 31st October, 1988 is seven hundred and fifty six thousand, one hundred and fourteen dollars ($756,114.00)

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. Could the Member say whether the diversion which is now started on the East End end of the road was part of the original plan or is this a change?

MR. PRESIDENT: I am not sure that that is strictly a supplementary, but if the Honourable Member is content to answer.....

HON. G. HAIG BODDEN: The answer is no. The road like all new roads is being built in stages. Stage one included the opening up of the new road. At that time the entire road was gazetted, but the work on stage one did not include the two ends, that is the entrance from Tortuga Club and the entrance from North Side. So that on the Tortuga Club end which is the part you are referring to, we were using the old road and the intention was that the new road should be set back as far as possible or in as many areas as possible roughly four hundred feet from the shoreline in order to allow development. And so it happened that on the Tortuga Club end of the road the diversion that is now taking place is actually a part that had been gazetted and is now being done.

The second stage of the road included this diversion plus the widening of the old road on the North Side end as well as sand-ceiling the entire road. This second phase is to cost an additional $450,000.

The answer to the question on the money spent on the first phase was an amount of $756,114. Actually, that first phase is to cost a total of $859,000 and the second phase will cost an additional $450,000.

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Could the Member state if the last figure of $450,000 include having the road surface paved with hot mix.

HON. G. HAIG BODDEN: No, Mr. President. That will not cover the cost of hot mix, which hopefully will be added in a couple of years down the line.

MR. PRESIDENT: If there is no further supplementary, we can turn to the next item on the order paper which is the resumption of the second reading debate on the "Appropriation 1989 Bill".

Does any Member wish to speak?

SECOND READING ON THE APPROPRIATION (1989) BILL, 1988

CONTINUATION ON THE DEBATE ON THE BUDGET ADDRESS

MR. J. CARSTON SMITH: Mr. President, I can assure you Sir, that I will not be as long winded as some of the previous speakers, I will make my contribution to this debate very brief.

MR. J. GARSTON SMITH (CONTINUING): Mr. President, once again it gives me great pleasure to debate another Budget Address in this Honourable House. At the same time, Mr. President, I want to express my gratitude to the Honourable Financial Secretary for presenting what I would consider a deliverance of a very comprehensive Budget Address.

In his address, Sir, he has so clearly pointed out the affairs of this Government both for the year 1982 and the coming year 1983, that I am certain Sir, that even the smallest child could comprehend it.

Mr. President, I do consider we are a fortunate people, considering our size to other parts of the world, and to know that we are able to sit down in this Honourable House to debate a budget over $32 million. This morning, I want to thank God that all of us are being spared to do so.

Mr. President, in other countries around us the people are taxed almost out of existence, and yet they cannot balance a budget, and never can enjoy the fine qualities we do here in these small Islands.

Mr. President, it is quite gratifying to know the performance of our economy in 1982, and what we hope for in the year ahead.

Mr. President, health and education are two areas I feel that Government can never spend too much on, once the money is spent properly. I feel, Sir, that a healthy and educated community means much to any country. I now take the opportunity to commend the Member in charge of this portfolio, the Department of Education and all others concerned on our recent graduation. Sir, this is something we all should be proud of, and is something that we all need to do whatever possible to encourage.

Mr. President, I would like to touch briefly on Banks and Trust Companies, Companies Registration, and Insurance, three areas which we consider good revenue earners for our country. These areas which contribute much in the way of jobs and scholarships. This is a tremendous help, Mr. President, to our people and I make an appeal to all those concerned to keep up the good work and help our people whenever possible to scholarships. Unless this is done, Mr. President, our people will never be able to fill the top jobs in Companies that I mentioned earlier, and we will constantly be faced with importation of labour to fill our top positions.

Mr. President, I want to commend the Public Works Department not only for the work they have done in my constituency and throughout this Island, but for the work they have accomplished in the sister Islands.

Mr. President, on my recent visit to Cayman Brac, I was amazed to see how much was accomplished there by this department. I had a hard time convincing myself that I was really on Cayman Brac. The place was so well dressed up that the Clerk and myself nearly got lost a few times. I told the Member responsible for that portfolio I could very well see why I could not get any street lights in my constituency because he had carried them all to Cayman Brac.

Water and Sewerage Mr. President is very important to these Islands. In my opinion Sir, this cannot be delayed much longer. In some instances Government has spent tremendous amounts of money on studies. I feel, Sir, that this Honourable House should pursue this actively.

The Mosquito Research Control Unit is well worth every dollar that is spent on it. Without this department we would be back just where we started. It is not only the control of mosquitoes, Mr. President, but the work done by this department prevents infectious diseases from entering these Islands. We are very fortunate Sir, to have this department and we must continue to support it at all costs.

MR. J. GAPSTON SMITH (CONTINUING): Mr. President, the Honourable Financial Secretary has been very explicit in setting out the Public debt. This is an area that is often misunderstood. The negotiations of loans from which our improvements and necessities are made possible represents good negotiations and financial loans at attractive rates and good terms, on conditions in today's money market.

Cayman Airways has done a splendid job both in passenger and freight services. It has contributed a lot to the economy of these Islands, directly and indirectly. It has been said in this Chamber, Mr. President, many times, that without our airline we would be lost. I agree with this, Mr. President, and I support Cayman Airways and although we have to subsidize it, I feel Sir, that we will gain much more than we will lose. Mr. President, I would not like to see the day when we have to depend on a foreign carrier to service these Islands. We have tasted the medicine from these foreign carriers, Mr. President, and I for one would not like to taste any more of that medicine.

I see in the Budget Address where Government has seen fit to lift import duty on certain items of food. Mr. President, this I fully agree with and I hope, Sir, I will live to see the day when all import duties are lifted on all items of food stuff and medicines. Of course Mr. President, this will have to be properly handled so that the consumer will not be deprived of what we are trying to pass on to them. Because, Mr. President, it would be really fortunate if this Honourable House legislated in vain and while these reductions and the retailers and wholesalers did not pass it on to the public.

Mr. President, I am glad to see that the tourist industry in these Islands is still good. I remember, Sir, the last Financial Secretary saying that so many million dollars (I cannot remember exactly the figure) are injected into our economy through the tourist section.

I have to ask myself, Mr. President, what does Cayman have above and beyond the other Caribbean Islands to offer. I have been to many of them and they have in many respects a better variety of scenery, and a number of other positive items and it appears to me, Sir, that the one item that we as Caymanians have to offer that other Caribbean countries do not have is the fact that Caymanians are still good honest Caymanians, they are a friendly people, they are kind people, they are a gentle people.

Mr. President, the 1983 Budget includes a record of high capital expenditure, including the airport terminal building at Owen Robert's Airport, new Airport building in Cayman Brac, sports and cultural centers and parks in Grand Cayman, and water and sewerage. These items Mr. President, are near-marked as priorities. But, Mr. President I want to say here now, that I will also be looking for a new playing field in the constituency in which I represent, and maybe a park.

I am extremely happy to see the effort Government has made to have the ban lifted on the Turtle products entering the U.S.A. This farm Mr. President, was at one time the second largest employer on these Islands, it came next to Government, and most of these people were from my constituency. We should do everything in our power to have this become a reality.

Mr. President, mention was made in the debate about Pirates Week, and being called a pirate. As I see it, Sir, there are many things in life that are much worse than being called a pirate. I personally Sir, could think of many. One thing I could say, Mr. President is that the pirates were all considered men.

Mr. President, the organisers of our national festival I think should be congratulated. I would say that this is a lot of foresight, during the slow down period in our tourist industry. Mr. President, this fills the gap and brings many visitors to our shores who would not have been here otherwise. Our last Pirates Week was a success, and we should make every effort to continue it.

HON. J. CARSTON SMITH (CONTINUING): My final thought Mr. President, This Budget Address presented to this Honourable House a few days ago is a master piece of information.

The confidence expressed therein is a credit to this Government, a credit to each and everyone involved, both the local inhabitants and our good friends from overseas who work amongst us and live amongst us and pull their weight in the right direction.

Mr. President, I support the motion of the Honourable Financial Secretary, this speech portrays us in my opinion as one of the most prosperous countries in the world. As we look back, Sir, just a few years and our budget was only $9M and for 1983 our budget is over $52M. Mr. President, this is fantastic and this is a projection with a surplus.

In conclusion, Mr. President, I too want to join with other Members in wishing for you and your family, for all the Members of this Honourable House and their families, the Clerk and her staff and their families, we want to wish you all a Merry Christmas and a very prosperous New Year and may God spare each and everyone of us to come back here and debate many other Budget Addresses.

I thank you, Sir.

CAPT. CHARLES L KIRKCONNELL: Mr. President. I would like to congratulate our Financial Secretary on presenting a well prepared Budget Address which he ably delivered. To have had such a magnificent report of the affairs of our Islands on the 150th Anniversary of Parliamentary democracy makes me feel proud to be among the many Caymanians who have contributed and made this great achievement possible.

With your permission, Mr. President, I would like to digress from debating the Budget Address and pay tribute to our very efficient Clerk of this Assembly who was chairman of the 150th Anniversary committee.

First of all I would like to congratulate her for a job well done. I am very grateful for the kind consideration given to the people of my constituency, and would like to thank her for helping to organize the celebrations at Cayman Brac.

One of the outstanding features of the celebration was a fireworks display which was the same there as it was here in Grand Cayman. Secondly, I would like to say, Sir, I regret to see that Jamaica did not see fit to send a representative to join us in our celebrations.

Back to the Address, Sir.

We are not an agricultural or industrial country and we do not possess any mineral wealth. We are strictly a country of services, and our people together with many qualified non Caymanians have made these Islands the envy of the Caribbean.

To have a balanced budget for the financial year 1985 of $62.3M is no mean achievement for a small territory with a population of approximately 15 thousand people. This clearly shows us that when we get people of different origins working in harmony just how much can be accomplished. Thus the old saying but true one "That people make a place and not the place a people!"

While our Islands are in good financial condition today, it would not take too many mistakes to destroy our position. We must be wise, prudent and conservative as to how and where we spend our money. We must chart our course accurately and be sure that we do not forget the many uncharted dangers and hidden reefs which could wreck our ship. Let us make certain to set our priorities in order and see that the needs of our Islands are given first consideration, and when these have been met we can then consider what to do next that will be most beneficial.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): I agree with the observation made by our Honourable Financial Secretary about the 1980's being filled with many complexities with no easy answers. There will be undoubtedly many challenges and opportunities which if handled skillfully and wisely could lead to greater heights of prosperity than we have hither to known.

In spite of our good financial position, we are unable to generate enough money to meet all the development needs of our Islands. Furthermore, the people of our Islands do not have the wherewithal to develop them and we must encourage foreign investors to help us. As long as we remain honest, maintain a stable and friendly attitude we can expect them to invest in our Islands.

Banking. It is very good to know that our off-shore banking business has not been affected as much as was feared by the United States establishing international banking facilities in many of their major cities. That we continue to enjoy steady growth shows that the people in the financial world have confidence in our country.

In spite of increasing company registration fees earlier this year, phenomenal growth has taken place in this very important area which provides Government with the largest source of revenue in the financial sector. It is gratifying to know that our insurance business has been increasing and we can now expect it to add another solid pillar to our economy. The insurance law of our country has been applauded near and far, and in the years to come we will benefit tremendously from this new industry.

Tourism. The Cayman Islands are fortunate to have had a small percentage decrease of 1.9% through August 1982. Most hotel bookings are down for the coming season, and there have been many cancellations. Apart from the world recession, it is my opinion that we are pricing ourselves out of the market. We must give people more for their money or the whole territory will suffer. I believe most members of the hotel association are holding their prices down, and it is hoped that other sectors will see the wisdom in following their example.

Jamaica and Mexico are now offering the most attractive prices in the Caribbean area. However, it is my humble opinion that we will continue to see quality visitors coming to our shore.

Cayman Airways. My position regarding Cayman Airways is well known and recorded in the minutes and reports of this Honourable House. I served for a period of time as a director of the airline, and later as chairman of a sub-committee which was appointed by the Finance Committee to conduct an investigation into the affairs and operations of the airline. The sub-committee did its utmost to carry out the term of reference, but had difficulties and delays from the outset getting financial statements. The sub-committee did, however, recommend that Government pay off the Royal Bank loan, and all members supported this proposal in Finance Committee. The sub-committee also recommended that the airline employ qualified expert advisers to determine whether the airline could be made viable and to reorganize where necessary. When the Finance Committee approved the advance of $14M to Cayman Airways on the 17th and 22nd of March 1982, it was agreed that the two BAC 1-11 aircraft be utilized for the next two to three years and in the interim bring in qualified airline advisors to reorganize the airline.

These stipulations laid down by the Finance Committee of this Honourable House were brushed aside and ignored. These are the reasons why certain Members of this Honourable House refused to support the present sub-lease of the two new aircrafts which are to replace the BAC 1-11's.

I cannot support any decision which made by Members in direct contravention of matters agreed upon by Members of this Honourable House, and particularly in the Finance Committee.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): I also oppose any Member making a commitment for which the Government is responsible, without first having obtained the consent and approval of all the other Members. Every Member of this Honourable House should remember their prime duty is to protect their constituents' interest and to oppose anything that is not in the best interest of this, now or in the future.

I am not convinced that Cayman Airways has acquired the most suitable aircraft to replace the BAC 1-11, nor am I satisfied that the terms of the sub-lease are the best that could be obtained. I would never say, Mr. President, that Cayman Airways has not contributed to the economic development of our Islands, this is an undisputed fact. What I oppose, is the unbusinesslike manner in which the company is being operated and the lack of qualified employees so necessary for the successful operation of an airline. An airline is like fire, a good servant, but a bad master. I hope that the sub-lease for the new aircraft contains a cancellation clause which if necessary, will allow Cayman Airways to terminate the lease before the end of the fourteen year period without having to pay the total liability of $38M.

I concur with the Honourable Financial Secretary's remarks that strict financial control over expenditure should be the first priority of Cayman Airways. But I believe it is now too heavily committed for such control to be effective.

Cayman Brac, and Little Cayman. Over the past several years, Government projects at Cayman Brac and Little Cayman have been completed and have greatly improved infrastructure of those Islands.

During the same period, there has been a drastic cut-back in the ship-to-ship oil transfers by Cayman Energy Limited off Cayman Brac. Most of the company's equipment has been sent to the Gulf of Mexico where ship-to-ship oil transfers are taking place in open waters. This is causing great concern to the people of Cayman Brac, particularly since there are no known bookings to indicate that there will be any oil transfers there this winter.

Up to the present time there has been full employment, but with the completion of Government projects, the uncertainty of oil transfers and no known development of any significance, there is concern that for the first time in many years people will be unemployed.

A start has been made on the new bluff road, which, when completed will enable meaningful development to take place and ease the employment crisis.

The last 1000 feet of runway at Cayman Brac still needs to be surfaced with hot mix but no provision has been made in the 1983 estimates to complete it. The runway lights have been installed on one side of the runway and there is a vote of $10,000 which should complete this project.

I am rather disturbed to see that Cayman Brac and Little Cayman are only receiving 8.22% of the capital expenditure for 1983, excluding the $500,000 loan which is still being negotiated with the European economic community to build a new airport terminal.

Past records reveal that it takes about three years to secure a loan from this source and it is highly unlikely that money will be available from them in 1983.

The capital expenditure for Cayman Brac and Little Cayman will have to be reviewed in the Finance Committee. Mr. I hope that all Honourable Members will recognize the problems facing the Sister Islands and help us to alleviate the unemployment problem which looms ominously on the horizon, and by increasing capital expenditure we will be able to overcome this problem.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): I have noticed that the sum of $75,000 has been provided for building an unloading platform at Little Cayman. I would like to know whether Government has a long term lease on this property.

A sum of $50,000 has been allowed to set up the museum at Cayman Brac. Their display which was exhibited at the Civic Centre last week was very impressive and I am sure that once the museum has been opened many people will contribute some of their old treasured items.

Cable and Wireless have made some improvement to their telephone service, but it still leaves much to be desired. It is hoped that they will install new equipment there in the near future.

I would like to back up what the Second Elected Member for Cayman Brac and Little Cayman said yesterday about the Lands and Survey office there. I would like to see this office remain open. I believe this department should be up-graded because I believe that land sales will increase once the bluff road has been opened. The closure of this important department would be detrimental and not in the best interest of the people or the Government.

Police. Great efforts have been made to improve our Police Force and control crime. I am very pleased with the overall standards, and training continues daily to make it more efficient. The Police Force like all other enterprises in the Island is finding that qualified staff is hard to find. We should encourage and help those who are working so very hard, in every possible way. I am very pleased to learn that Members of the force will be going abroad to receive further training in drug control. This will fit in very well with the passing into Law of the Misuse of Drugs Bill.

The new Bill will compel drug users to attend classes where they will be lectured and shown what damage the use of drugs is doing to them mentally and physically. Hopefully, the proposed rehabilitation programme will see many drug users return to society and lead normal lives again.

Mosquito Research and Control Unit. This department, in spite of recent set backs with their control programme, continues to set us free from the mosquito pest which plagued these Islands for centuries. They are doing a good job in Cayman Brac, and have started spraying at Little Cayman where improvement is already evident.

Health Education and Social Services. The Cayman Islands were once the most backward country in the Caribbean in the field of education. Our standards at present have been raised tremendously and our girls and boys have schools to go to which are equal to or better than most other schools in other Caribbean Islands.

The future of our Islands depends on how well our young people are equipped to take over the reigns in the years to come.

Water and Sewerage. A Bill before this Honourable House which seeks to establish a public water supply and sewerage system is long overdue. We have not been keeping up in this respect with other developments in our Islands, and it is hoped that we shall see great strides in this field.

I would like to congratulate our Public Works department for the magnificent job they are doing in helping to develop and up-grade our Islands in every respect. Few people recognise the amount work this department is doing and are often criticised unjustly. It has the obligations to carry out work for every portfolio of Government and is very hard pressed to keep up with all of its functions.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): The year 1983 calls for heavy expenditure, and it would be wise to consider reducing unnecessary expenditure where possible.

This Government through various departments have people employed unnecessarily, and this should be discontinued now.

The Cayman Islands Government contract with the Cayman Islands News Bureau expires on the 31st August, 1983. I hope that Government will review this matter and set up its own information bureau within the Civil Service where it will have effective control over its functions. I am sure substantial savings could be made and we would have a more satisfactory service.

Mr. President, we have so many things to be thankful for, we should ever be mindful of all the many blessings God has bestowed on us and give Him thanks, and ask for His divine guidance in all of our undertakings.

I support the Appropriation Bill, 1983.

I thank you.

MR. BENSON O. EBANKS: Mr. President, as previous speakers have done, I beg your permission to congratulate our Clerk on the excellent job which she did in arranging the celebrations for the 150th Anniversary of Parliamentary Government in this territory. I wish also to associate her staff and the committee which worked with her on this project with these remarks.

More importantly, Mr. President, I think that the idea of such a celebration came in the first place from the Clerk. For this I believe present and future generations will be grateful to her, because Mr. President, in my opinion, as impressive and as significant as the celebrations may have been, the most important thing to come out of the whole exercise is the amount of material which has been unearthed about our past history. And I would hope that Government would find it possible to collate this information to make it a permanent record of Caymanian history, and to preserve it for posterity. I can assure Government of my support for the funds that might be necessary for such an undertaking.

At this time, Mr. President, I wish to compliment the Honourable Financial Secretary for a comprehensive and lucid Budget Address. Of course, he being from West Bay, I would be very disappointed if it had been otherwise.

The outstanding feature of the Address, Mr. President, is that although it was his maiden Budget Address, he left no doubt that he understands the workings of the economy of this territory well, and that the mantle of Financial Secretary has indeed passed on to good hands.

As illuminating as the Budget Address is, Mr. President, it does not by itself tell all of the story, and for us to get the true picture of our Government and its workings, it must be read in conjunction with the draft estimates which accompany the Address. And I propose to attempt to relate the Address to these draft estimates during my contribution.

Honourable Members will recall that at the last Budget Session, I issued a word of caution about the possible down-turn in our economy during 1982, and again in the debate on the Throne Speech earlier this year I issued similar cautions. I made a remark, Mr. President, something to the effect that the apparent slow-down in the economy at that time was in my opinion, but the hiccups of a much more serious bout of indigestion to come. I quoted as an example what I considered to have been the overrapid phase of development particularly in the construction of condominiums during a time when the world economy gave signs of slowing down.

MR. BENSON O. EBANKS (CONTINUING): If Members will recall the reactions which those remarks drew on those occasions and no doubt they might have the same effect today. But if we analyse the situation well, we will find that those remarks were not far off. For example, Mr. President, at least two condominium projects to my knowledge have gone into receivership since that period. Many people have experienced less than full employment for the first time in a considerable period, both in the construction industry and in the tourist related industries. And during 1982, Mr. President, I think that we see the myth which is held in certain quarters shattered. And that is the myth that the Cayman Islands is an island onto themselves, and unaffected by outside economic forces.

The economic miracle which was supposed to have been created in these Islands of never ending surpluses and reserves, of continued full employment, of sustained tourism growth, sustained and uninterrupted tourism growth has been finally shown for what it really is, and that is the mirage of an overactive imagination. If we examine the statement of affairs of the country as revised for 1982 on page four of the draft estimates, we will see that for the first time in several years there has been a significant decrease in the surplus and general reserves of the country.

The year started with $8.538M in surplus revenues, and $13.570M in reserves or a combined surplus and reserve figure of CI$21.1M. During the year, it was necessary to use $5.691M of surplus revenue and $3.442M of reserves to meet the expenditure. Put another way, Mr. President, during 1982, the combined surpluses of $21.1M that is surplus and reserves have been reduced by $9.1M to $12M. Now this in itself is not an unhealthy position or a frightening position for the Government to be in, Mr. President, I am merely stating these facts to show how quickly reserves can be depleted when we are dealing with significant budget as ours is today.

However, if we are to list the fact that in addition to this, Government is liable or will be liable (at least the Finance Committee has given an undertaking to be liable) by way of guarantee of $14M for the recent acquisition of the two new aircraft by Cayman Airways, and bearing in mind that if the track record up to now is to be an indication, the likelihood of having to pay under this guarantee, then the picture changes somewhat. The reduction, Mr. President, in reserves, and surplus is but one indication of a decline in our economy.

An examination of the statistics of the arrival of visitors by air will show that as of September, (I believe the Financial Secretary did in fact use the figure for August) but I have been able to get the figure up to September, and this will show that to that date the annual decline was to the order of 2.3%. More significantly however, Mr. President, is the fact that from May through September of this year, each month has shown a decline as compared to the corresponding five months of last year. Now the only other year that this has happened was in 1978, and of course Members will recall that 1978 was a recession year for the Cayman Islands. However, 1982 is the first year that I am aware of since 1972 in which six of the nine months have shown decline in tourist arrivals by air, and we still have three months to go of course.

Now, Mr. President, when we view these statistics against the background of the fact that over the last two years, or so the tourist accommodation has just about doubled in these Islands. One has to wonder whether there will not be other tourist accommodation properties in financial problems before the trend turns around. It is also against this background, Mr. President, and the fact that Republic Airlines has announced the introduction of an extra daily flight from Miami, or a doubling of its service that Cayman Airways' recent decision to acquire two jets must be viewed.

With the additional flight by Republic Airlines and one daily flight each of the larger aircraft being acquired by Cayman Airways, the added capacity on the route will be equal to more than two extra BAC flights per day.

MR. BENSON O. EVANS (CONTINUING): Or somewhere in the vicinity of 174 extra seats will be available to be filled on that route. Mr. President, in my opinion, there are a lot of seats to be filled particularly at a time when tourist arrivals by air are down.

Mr. President, the fact that over the years the present Government has been able to balance its budget and even accumulate substantial reserves is commendable, but it is irrefutable evidence of the sound revenue base and infrastructure which they inherited.

The performance on the major sectors of the economy during the years shows that in spite of the fact that we have limited resources, limited natural resources, our economy based as it is on our known operations and tourism is a fairly stable economy, and that with prudent management of these industries we do not have too much to worry about providing that we do not become over ambitious, become involved in unnecessary and expensive money losing ventures. In other words, if we look after our needs and not our wants, or become involved in showmanship, the revenues of the country should be able to meet our expenditures comfortably.

As the Honourable Financial Secretary pointed out, the numbers of visitors generated by the financial services business is considerable and significant, and serves to point out, Mr. President, the very close relationship between the two industries. I feel that this explains very well and is responsible to a great extent for the fact that we have been able to maintain a fair tourist trade when other destinations in the Caribbean have been recording record decline.

I would feel very much more comfortable, Mr. President, if I were assured in my own mind that other departments of Government understood these facts as well as the Financial Secretary has demonstrated that he does.

To say that there are not disconcerting rumblings in our financial industry at this time, Mr. President, would be to bury our heads in the sand. However, it is my belief that much of this irritation is self inflicted by the operation of a few unscrupulous operators and unnecessary prominence being given to certain facets of our industry by persons in the promotion trade.

It is my contention Mr. President, that when our confidential relationship legislation was introduced, it was done merely to codify the confidential relationship that already existed in common law between Banker and Client. It was not done with the intention of a shield or as an invitation for shady operators which unfortunately, has been the image that has been given by some individuals in the recent past. I trust that Government will take whatever steps are necessary to see that such misleading and damaging publicity is stopped. Our product is a good one, and like being a Christian, I do not believe that you have to run around and tell everybody about it, your life will soon demonstrate what kind of person you are. There is enough good business out there to keep us, keep the industry well occupied and the country stable.

Mr. President, I am happy to be associated among those who supported the introduction of our own currency, and still advocate its retention, because whether you know it or not, Mr. President, there are forces advocating that we disband our currency and adopt another as our legal tender. But I believe that its contribution to revenue over the past ten years tells its own success story and should ensure its continued existence.

MR. PRESIDENT: If the Honourable Member proposes speaking for some further period, I wonder whether it would be convenient for us to take a short break now. If the Honourable Member expects to finish within two or three minutes, then of course.....

I suggest that we suspend proceedings for 15 minutes.

HOUSE SUSPENDED AT 11:25

HOUSE RESUMED AT 11:53 A.M.

MR. PRESIDENT: Please be seated.

MR. BENSON O. EBANKS (CONTINUING): Mr. President, I regard Cayman Airways as a desirable but not as an essential service to be maintained at all costs. It is indeed unfortunate that five years after the introduction of this service in its present form, Members of this Assembly and consequently the general public, have not been provided with figures and information or expert analysis to establish whether the airline can be operated profitably or if not, to what extend it would need to be subsidised by Government. It also hampers the decision, the making of decisions on a businesslike basis as to whether one should support efforts for the re-organisation of the airline. The statement that the acquisition of the new aircraft will provide for more economical operations has unfortunately still to be proven. One thing that is certain, and that is that the present situation whereby Government continually has to pay the way of the airline without limit as to amount cannot continue otherwise other essential services will suffer.

There are expenditures in the budget, Mr. President, with which I am unable to agree. First and foremost among these is the sum of $259,656 for News Bureau services. I opposed this expenditure from its inception and I still do. I maintain that this service could be provided as a Government department much more economically and with as great effect. It was understood, Mr. President, when this service was introduced that it would be known as the Government information service, and to the best of my knowledge I am yet to see one release bearing that identification, all of the releases I have seen bear "Cayman Islands News Bureau" insignia or initials on it.

Under the Immigration department there is an increase under the vote for use **transportation** with the explanation that it is due to more cruise ship arrivals. It would seem to me, Mr. President, that with the operation of the marine section of the Police Force in full swing that the function of transporting customs and immigration personnel to ships should be able to be undertaken by them. And additionally, I think it would be a good thing if the marine police were to show their flag in the harbour when the ships are there.

Under the police department, Mr. President, there is an item motor launch maintenance and the explanation that the increase in this vote is to cope with the growth in the marine section including the vessel for the special constabulary. This comes as a surprise to me, Mr. President, I understood that the special constabulary was to work with and along with the regular force on special occasions or on certain occurrences. Now I see that they have their own vessel and I must wonder what next we will be called upon to provide.

Under the same head, Mr. President, there is provision in the sum of $136,930 for radio equipment as presented in the Hollowingworth report etc. As I understand it, Mr. President, this gentleman, Mr. Hollowingworth, is the gentleman who sells and services this equipment, and so seems to me rather strange that an assessment of requirements should have been undertaken by this gentleman. In other words, I would have have thought that an independent survey would have been more in keeping with Government policy.

Under Finance and Development, sub-head (8), grants, contributions and subscriptions, there is a token vote of $15.00 for equity in CAL, and under sub-head (30), loans, another token vote for CAL $10.00. And I am left to wonder Mr. President, if this is a way of telling us that we may expect to continue to subsidise this operation without knowing where we are going.

Under Personal Health Services, sub-head (7), there is an amount of $30,000 with the explanation that this includes the former genetics programme. Am I to understand from this that the genetics programme has been reduced to this meagre level? And I am left to wonder if in fact there is a programme, at what level it is being carried on?

MR. PERRY O. FRANKS (CONTINUED): ... We were told in this Chamber earlier this year, Mr. President, that it was Government's intention to use the the services of outside consultants on at least an outside consultant for this programme, and I am questioning whether Government has in fact made use of such a consultant.

In my opinion, Mr. President, there is no more pressing health care need in this Province, and unless it is grappled with the country is going to face a very complicated and extensive task of caring for persons suffering from these conditions and problems in the future. And I would hope to hear this afternoon what Government plans to do on this matter.

I have not been able to find, Mr. President, any provision for the legal fees of the attorneys representing Government in Marystown in the efforts to have the ban on the Turbo products lifted. I do not know whether this is my oversight, or someone else's oversight, as I would presume that Government would want to continue this service. I understand that we will require lawyers for at least a part of 1985. It appears that there is hope of success in this effort, and I am sure that Government would want to see it continue. So I am hoping that it is an oversight, and that the provision is in fact somewhere in the estimates.

Finally and by no means last, Mr. President, I had hoped that this facility would have got a bit of a start this year and it is disappointing to see that in 1985 less money has been voted than was voted in a supplementary earlier this year for this project. It appears to me also that the vote for the maintenance of playing fields is meagre, if we are going to up-grade the fields in the various districts as was hoped. There is in the estimates a vote for the purchase of property, and I would hope that this vote Mr. President, includes money for the purchase of adequate playing fields for West Bay, and indeed for any other districts that might need them but Mr. President, I believe that it is often overlooked just how large the district of West Bay is and how many people live there, and how crowded it is becoming, so I hope that adequate provision will be made when land is bought so that future generations will have some place to play and exercise themselves.

I note in the estimates, Mr. President that the school fees have not been adjusted to the extent that was promised when the bill was introduced, and I believe that history will prove that this will be no more than the landlord which I said it would be when it was introduced. I am happy to see that provision is being made for the drug and alcohol programme. I hope that this will be implemented very shortly so that those of our citizens who suffer from these problems can be rehabilitated and made to live useful lives again.

Water and sewerage, Mr. President, as someone has said the importance of this cannot be stressed too much, and I hope that with the passage of the bill at this session we will get on with the job of providing this service. But, Mr. President, I believe that when this task is undertaken it will be found that this is going to be very expensive, and this is one of the needs which I mentioned to consider that the country needs, and must have if we are going to continue to develop and survive. It does disturb me somewhat that in the proposed bill the compensation to be paid to land owners appears to be based on a per gallon basis. The bill rightly in my opinion places unimproved value on the remainder of the crown and undoubtably some compensation will have to be paid to those persons on whose land the well may be situated. But I do not think that it should be paid on a basis of the water situated, I think that is a dangerous precedent because as I understand it water flows from one area to another, anyway we will have a debate on that, Mr. President, when we come to the bill.

I note that the vote for, Mr. President, is due for completion and I again renew my plea for similar consideration to be given to West Bay.

MR. BENSON O. EVANS (CONTINUING): There is no place on the South Side of West Bay, that is at present really suited for handling small craft, and the jetty could serve the useful purpose as an alternative landing site in inclement weather in George Town, as well as it could serve to take the pressure off of George Town even in good weather when we have large numbers of boats in the port at the same time.

I am happy to note the improvements that have been going on on private roads, Mr. President, but I would hope that this work will be done without any discrimination. I note that in my own district roads have been done and an intervening road left. I hope Public Works is going to get back to that and have it attended to that it is not an intention to completely ignore the road.

Mr. President, as for the removal of the duty, I too like to know that we are able to pass something on for the reduction of the cost of living particularly to the less fortunate in the community, but I really wonder, Mr. President, if we are achieving this aim by taking duty off of something like baking powder. I am sure, Mr. President that baking powder cannot contribute sixty cents per month to the budget of any householder in these Islands. I agree with the Member who said that if we were going to do this we should have done it on something tangible and meaningful like washing powder, kerosene or bottled drinking water. It would have then meant something to the budgets of those people.

Mr. President, very often I am regarded as a "prophet of doom", I do not regard myself as such, I believe in being realistic, pragmatic and possibly somewhat conservative, but if we can believe what we read and what we hear over the airwaves there seems to me to be no early end in sight for the problems of the economies of the developed countries particularly the United States on which we depend for the majority of our investments and visitors.

It is to be hoped therefore, Mr. President, that the admonition of the Financial Secretary, that prudence be exercised in the management of the economy particularly in expenditure will be taken seriously so that 1983 will end no worse than we are projecting for it in this budget.

I too, Mr. President, would like to take this opportunity to extend to you, your good wife and family, to Members of this Assembly and their family, the Clerk and Officers of the Assembly best wishes for the Christmas Season and a happy and prosperous 1983.

I thank you, Sir.

MR. CRADDOCK EBANKS: Mr. President I would not be finished in the next ten or fifteen minutes, but whether the House would want to consider adjourning now and resume a half an hour earlier or your ruling, Sir, then I would start.

MR. PRESIDENT: I am in the hands of Honourable Members. About how long had you in mind to speak?

MR. CRADDOCK EBANKS: About forty five minutes at least.

MR. PRESIDENT: Would it be more convenient for Members if we adjourned now and met again at 2:00 p.m. or 2:15 p.m.? Rather than that we ask the Honourable Member to speak for 15 minutes and adjourn to 2:30 p.m.

HON. TRUMAN M. BODDEN: Mr. President, I have an appointment at 2:00 p.m. on the assumption that we will not begin again till 2:30p.m. It is fairly important, Sir.

MR. PRESIDENT: Any other Members have views one way or the other?

HON. G. HAIG BODDEN: Mr. President, I suggest that you adjour now until 2:30 p.m. and that will make everybody happy.

MR. PRESIDENT: Well we have been progressing quite well and if the remaining Official Members and the Elected Members of Executive Council will not be speaking for too long we probably will make quite good progress this afternoon also.

So let us adjourn until 2:30 p.m.

HOUSE SUSPENDED AT 12:20 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Second Reading of the Appropriation Bill, Member for North Side.

CONTINUATION OF DEBATE ON BUDGET ADDRESS

MR. CRADDOCK FRANKS: Mr. President, it gives me pleasure and I deem it to be an honour to be here on this occasion for the Budget Address being the first with your time in office as President of the Assembly and while I look forward to one more at least, after that I will go before the judges of my constituent to decide whether I will be needed or not. However, it has been a pleasure working under you, Sir, as President of the Assembly for the nine months or so that you have been here and being the first Budget Session it gives me pleasure to have the privilege of being a part in it with you, Sir, as President.

The Financial Secretary in his opening remarks said that he had been requested to reduce or make his speech a bit short. While I do not know who requested that of him, I am going to try to follow in the foot-steps that he laid down. I must say, Mr. President, it was quite an Address being his first to be introduced to this House. It had the true facts in it and he said what was justified for a Financial Secretary to say.

Mr. President, before I go into the Budget, we the Legislators have been boasting about the jewel in the Caribbean, the Cayman Islands. But if I may say, Mr. President, it appears to me that we are fast losing the gem, the glittering little Islands that we are talking about. If what is being done in the Islands remains here it would not be so bad, but with the press it is reaching most countries all over the world and they will soon be looking at the old news trying to compare it with yesterday and today. What I am trying to say, Mr. President, in brief is that while we have Laws that govern the country, and I say good laws, it appears to me, Sir, at this stage of the game and in this day of our developing territory our laws are beginning to resemble decaying teeth in need of fillings. We need to do something. Various sectors of people, mostly the young people, seem to be going beyond what is reasonable and good for the country and instead of helping to build it is being somewhat destroyed. We boast about leaving our doors open and leaving our cars unlocked, but it is fading and we do not cure these ills, Mr. President, by offering sympathy (and remember that this is somebody's boy or somebody's girl - we are all human). But certain measures must be met and if we do not start measuring at the meetings of certain measures, then crime is going to eat the heat of this little country that we are boasting about.

We as Legislators are responsible for taxes, the collection of money to run the country. It is tax payers' money that is being spent to run the country; people who are being paid salaries to do a job and let me say here, Mr. President, without fear of contradiction, many of these people who are being paid to do a job are not doing the job that they are being paid for and it is tax payers' money being paid to have the job done. We do not expect to go back to slavery days and expect people to work nine hours a day, but we are expecting people who have a job to do it or leave the job. We have a good civil service, but I believe in some sectors of the service there are too many people in one place and these persons should probably be shifted around to a better place or different position and they would probably get more done. Anyway that is not the Legislators' job. Their job is to provide money for a salary for them to earn a livelihood, but

MR. CRADDOCK EBANKS (CONTINUING): the return ought to be a good honest day's work, that is all.

Mr. President, the Financial Secretary pointed out and brought to this House the money that we estimated to be brought in for the year 1983 and what the expenditure would be. He has done a good job weighing this and putting it together and finding ourselves with a bit extra. It has been going on for some years now, we are still growing and if not in big leaps and bounds as it was a few years ago we are still on the upward trend. We have no exports, there is no taxation - I mean we are not increasing taxes each year to help offset our budget. Each year for probably the last four or five there has been a reduction in certain areas such as the Customs Department. In the light of this, Sir, we should still be a happy people and with the growth of our economy and revenue we can find money to attempt to start most projects that we want, even if we have to borrow a bit of money, and keep our little reserves on the side.

Mr. President, our roads. We have to an extent a certain amount of good roads, and I admit, Sir, and agree that one can do so much and no more. While the motorist has the best of the road, the poor pedestrian has the roughest one because there are areas of shoulders where no pedestrian can walk. It is not safe and one does not attempt to walk on the paved sector of the road that has been surfaced because one is taking a chance with his life. These are some areas that need to be looked into for the safety of people.

As everyone of us knows we have people driving one of the most dangerous weapons that there is under the sun, second to a gun so to speak, that a life can be snuffed out in a split second through careless driving and speeding on our roads. People have no respect for other motorists on the road, they have no respect for pedestrians, they have no respect for animals, they do not have respect for anybody.

Two years ago, I think it was, the speed limit on the West Bay Road was reduced. I supported that, Mr. President, but I considered that it was my last time that I would give any support to reducing the speed limit in our territory because it just simply does not make any sense, Sir. I know it was in the press a few weeks back that since it had been reduced on the West Bay Road there had not been a fatality; that is good enough. Only a few weeks ago four innocent people lost their lives right across the street here in a twenty-five miles per hour zone. You can one expect the speed limit to be reduced below twenty-five to save lives in the question that I am asking? If the motorist does not have any respect in the twenty-five mile zone how is he going to have respect for ten and thirty? The only respect that a lot of the motorists have is the faster they can go the better it is. Members might ask what should be done about it. Take them off the road as fast as they are caught - that is the only answer to it. A $200 fine and a suspension of license for thirty days is a waste of paper, a waste of the Judge's time and everybody's time.

There are many of our boys who have a car and they do not know how they got it. They know good enough that their parents gave it to them, but they are not responsible for it and so it does not make any difference to them if they are careless with it; they have no respect for people and other motorists.

As it was in the press again a few weeks ago there was some consideration to reducing the speed limit in the eastern areas. Mr. President, if there has ever been two communities that have seen and suffered enough in hardships and difficulties it is East End and North Side. Why should good law-abiding people be made to suffer for the negligence and carelessness of [illegible] people and for the Traffic Department or Government to say that we will reduce the speed

MR. CRADDOCK FRANKS (CONTINUING): limits to make it hard for the law-abiding citizens to travel back and forth because we have a lot of people travelling that road who work in town. I hope, Sir, that this does come up because I do not have any support to give it and I will probably act wild about it. If the Traffic Department is not able to find ways and means of dealing with the traffic then find somebody else to put in the Department to do the job if the present Heads cannot do it.

We are sending many of these boys, not so much for driving but for other offences such as drugs, burglary and the rest of it, to prison. What are we gaining from that? - Nothing but spending a lot of extra money and giving them time to think what they should do or will do when they come out.

When I asked the question some time back as to the cost per day for a prisoner for food allowance and I got an answer of $4. I do not know who could have provided that answer, but it must have been somebody who could neither count, read nor write. Using that figure for one individual who has just been sent to prison for four years will cost the taxpayers nearly $5,000 and what does the public, the people and the Government get out of it? That individual will live in luxury, as I understand the prison to be - a place of luxury, eat, sleep and watch television and not a day's work will be done to compensate anything. Is Government ashamed of itself to impose regulations for these hard-back men to go to prison and work. When these same men come out and walk the streets and do the same things again they will be sent back to prison again for it is their choice of life - working and living in prison.

With Her Majesty the Queen coming, Government will be spending hundreds of thousands of dollars in preparation for the visit and we have forty or fifty hard-back men up in the prison smoking, drinking, eating and being merry using the taxpayers' money for what? It is a reproach, Mr. President, as far as I am concerned to this Government and everybody concerned. How can the Heads of Government who should be looking into these things go to bed and feel at night that they have done a good day's work when we have all of this facing us? Who should be out there picking up the drunkards' cans? It is me, yes I have found myself time and time again out on the streets in the morning in dew water picking up cans and bottles when I should be doing my work; and some of the same offenders are in jail for drunken driving and other drunken behaviour. Yes, this is encouraging for prisoners.

I hope we will soon make a request for another vote to extend the prison. The prisoners ought to be pushed around the streets to keep the whole Island reasonably clean and clean; then if they have any shame or pride that they are likely to regain if they had it before it is the only way, but they will never regain it by being up there out of sight of the eyes of the public and their parents, uncles, aunts and probably a few sweethearts. So I hope, Mr. President, that Government will wake up in the new year coming and find a way, because they do not have it now it appears, of imposing regulations that prisoners be made to work.

The Traffic Department has been using quantities of yellow paint and I do not know whether the Financial Secretary was informed about this, but with the amount that will now be used there should be some exemption of duties on it. In my travels I have seen a bit of the world and I have never seen any territory in the mess with yellow paint as this Island. Everywhere you turn you have to look out so that you do not get bogged in it. If this is a reflection of the quality of the Department, Mr. President, we do not need it - we need a change.

When we had the change in the one-way

MR. CHADDOCK FRANKS (CONTINUED): system a year or two ago the public saw the wisdom in keeping Harbour Drive a two-way, but it was not considered. A traffic engineer was brought in from overseas and the first thing he said was that that should be a one-way and yet we are paying somebody to do a job and still we have to bring somebody else in to tell them what to do.

As far as I am concerned, Mr. President, some changes need to be made here too. With these changes coming about I have not heard the department on the air telling the people what they should expect except for the Cayman Islands News Bureau mentioning something. However, the Head of the Department should be on the radio on some occasion to explain this, but things are being hidden and I do not know why.

We are faced with a drug problem and it is getting serious; it is getting very serious. When it was mentioned a few years ago to a member of Government then serving for the investigation of drugs it was stated there were no drugs in this country. It was sought of will then and now it is being used and transported with a little being dropped off. I am not saying that something has not been done on that drug and traffic offenders have not been caught, but we have a long way to go and we need to be stern with this. I know we have a drug bill coming up to become law, but if I might say it seems to be a little harsh and I still do not know if this is what we really need because when the youth start to get on drugs they lose their interest, their health starts failing, they become a problem to their relatives, they become a problem to the community, to Government, to the hospital and everything. It is time that we sat down and do something to make it mandatory that certain measures be met and carried out to try to curb and slow this down.

As has been said in here on many occasions the barefoot boy on the street is the one who gets it; he is pleked up fined $5,000 and three years in jail and the man who passed it to him gets nothing. A few have been caught, but they still let them go and put them on bail for $20,000 and they walk out of the country: what do we get out of it - nothing? These are the things that need to be looked into, Mr. President, and stern, harsh measures should be carried out - if not we are the losers, the country is going to suffer and lose what is attracting people to come here to invest, to live and vacation if they know the country is going bad. We do not want this to happen and there is only one way to help and that is to get laws and make them mandatory to a certain extent and if we are not able to do something then how will we do it?

It was mentioned this morning arising from a question by the lady Member concerning the amount of travel tax outstanding to Government. Mr. President, I believe all Members were appalled and shocked to hear the amount that was outstanding. We have an American airline flying into our country competing against our airline with a bigger aircraft and hoping to put in extra flights to further compete with us, and according to the question answered this morning Lepublic owes this Government $13,480 in departure tax. I wonder how long this has really been going on. It occurred to me, Mr. President, whether a landing fee has ever been paid and what might be the amount outstanding in landing fees. So when I say, Mr. President, we have investors and business people coming to this country to do and operate a business they have it cut and dried to ride the people of this country as far and as long as they can. If I was in the U.S.A. and could not pay my departure tax I would be told that I could not work. Yet, this airline can fly in and out and this might not be all that she owes. I wonder what Government is going to do about this - are we just going to continue to let them operate in and out and if they feel like paying it they pay and if they do not they carry on?

MR. CRADDOCK FRANKS (CONTINUING): What is appalling to me is that I am wondering, and I hope somebody will be able to tell me before this sitting is finished within the next three or four days, whether they have paid any landing fee or are they in arrears with that as well? If they are then I think Dr. Roy McTaggar who might not be able to take a lead, but I would and I would do with Republic what we did with Air Jamaica and BWIA on one occasion when they wanted to take out Cuban passengers and that was to block them so they could not fly. That is what we should do with Republic until their debts are paid.

The twinning of the Cayman Islands Government and the Florida Government does not mean that they should get privileges free. I hope, Mr. President, that this will be looked into and not only looked into, but the outstanding fees should be collected and the landing fees looked into.

I saw something in the press again about television where a franchise has been granted to a group of people. The little bit that I saw in the press was not very helpful - I do not know how other readers saw it, but it does not look very encouraging. I do not know what the details of the franchise entail, but to install a television is $100 and although I do not know what it is for, a fee of $32 a month. So it appears to me that it is no more reasonable than people using the cassette recorders today who are paying $30 to $40 a month in rentals - so what is the difference? I hope we do not have, Mr. President, another franchise granted that will put hundreds on people's backs and cause hardships so that they can do what they want to do. We already have two franchises that have given us enough problems.

For us to get electricity in the eastern districts this Government had to loan the company money and now we cannot keep them from hiking their rates. They do it against Government's approval and it is a battle to get them reduced a little bit. They are not cooperative at all and Government was good enough, although I would not have been one, to grant them the security of $2 million. The same Members who wanted that are blowing the top off of this building because Cayman Airways has to get $2 million. They want money; they want it the easy way and do not want to pay interest on it. But if I want money to do business I must pay the high interest rates and they do not have to.

We have people in the eastern districts who have been wanting telephones for the last ten to twelve years and who have applied for one but are still waiting. Yet the telephone company brags about the multi-millions that they are spending but they still cannot get anywhere with it. Again according to the press I read that a direct dialing system will be set up by the middle of next year. I am wondering if that includes all the Islands since when they started they attempted to confine their business to George Town and West Bay.

Mr. President, it was said here in this microphone on Friday that we have the best police force in the Caribbean. Well I hope so, Sir. Even if that is the case we have a lot of room for improvement. We need a lot of what we do not have in the first instance and that is good masculine stature. I know it is not easy to get, but I can tell you that most of what we are recruiting will not live long enough to be 150 pounds or six feet or five feet eight inches and with recruits such as ours, Mr. President, it is hard to build a police force.

If one of these little runts, as you might refer them to, walks into a place where there appears to be a scuffle amongst four or five half drunks what can one or two of them do with half a dozen hard-back drunks? They would get slapped to a frazzle in a second. This is not good enough. If we have to import certain things from overseas it will be said that we do not want too much mixture.

MR. CHADDOCK FRANKS (CONTINUING): Mr. President, with your permission I would like to read just a few lines relating in connection with the police and I think this is somewhat of a reproach on the security of this Department of Government. We had an incident here a month ago where a policeman shot another one however I am not interfering in that part of it at all, but according to Forbes' wording in the press I consider it a disgrace on this Government for this type of thing to happen, and I would like to read the following: "Forbes who joined the force in January and became a constable in October claimed he had never been given any formal training or shown how to handle a .38 revolver used by guards protecting the Governor. He said he thought the gun was unloaded and must have accidently pulled the trigger. He told his lawyer, Mr. Ramon Alleyne, that he was about to use the police to ask how to load the gun when he discovered how to open the revolver.".

Mr. President, am I to accept that the Security Department would send a man to guard Her Majesty's representative of this country as Head of this .....

HON. MICHAEL J BRANDT: Mr. President, on a point of order I feel with utmost respect to the present speaker that at the moment we are treading dangerously near being sub judice in this matter.

MR. PRESIDENT: I was going to say the same thing - I was looking up my Standing Orders. I know that there is I think in Standing Order 55(1) a rule that reference shall not be made to any matter on which judicial decision is pending in such a way as might, in the opinion of the Chair, prejudice the interests of parties thereto. I think it is possible that the incident to which the Member has been referring may become the subject of further judicial proceedings and I think really it would be wrong to continue debating it particularly as the extract from the newspaper was simply one witness's evidence and other witnesses said quite different things and if we start to quote one side and the other and then what the jury found in the inquest, we may be drawn dangerously near to prejudicing possible future judicial proceedings.

If the Member wishes to make the general point that it is desirable that the police should be adequately trained in the use of firearms, that of course is quite acceptable, but it is the detailed reference to a particular case that could be prejudicial.

MR. CHADDOCK FRANKS: Mr. President, I accept your ruling but even if I was going about it in the long way that is exactly the point because you could have been shot as well as the other policeman as far as I am concerned. So I will not speak further on it, but I think I have gotten my point across.

Further, Mr. President, as I said in my opening remarks, taxpayers' money is being paid to people to do a job that they are not doing. If a job is not being done then do without the party or the parties.

When a serjeant investigated an accident he said in one statement that the lens that was broken from the parking light was broken from one car and later he changed that statement saying that it was from both cars. When asked if he had taken a statement from one particular driver whom he was spoken with he could not remember what he said. He did not remember if he took his note book with him. Mr. President, the point I am trying to make is that these are the type of people we are **giving out taxpayers' money** to and they are not doing the job that they claim is being done. I am not going to lose any respect for one, Mr. President. When it comes to the point where a man reaches the rank of serjeant he already has three to five years experience and still he does not remember to carry his note book, he does not remember if he had it and does not

MR. CRADDOCK FRANKS (CONTINUING): remember what the accused said to him? We are just wasting our time, the judge's time and everybody's time and somebody is being paid for what they are not doing. Anyway, Mr. President, we will get through by tomorrow. (LAUGHTER)

Mr. President, it is on the mail vat, like my good lady always refers to, that the terminal at the airport is just about completed, I believe from what I understand (and where you hear some of these grapevine and mail-road talks there is a bit of smoke and there must be some fire somewhere to create it), it is alleged that some party or parties actually built a house from material supplied for the construction of this terminal. I do not know who knows about it or whether there has been an investigation. This is not a new happening, Mr. President, this is happening all the time.

It was brought to my attention when the Middle School and others were being built that the contractors and those working dropped many a truck load of cement which was supposed to be delivered on such a date. They come up with an excuse, but the cement left the place where it was collected and it never went to the school. Another load was taken there the following day. There is a lot of racketeering going on in the whole Government sector and robbing it of its money that we are trying to accumulate and the only thing that anybody says is that we are spending money on Cayman Airways.

I wonder how many businesses of all kinds in the world when they have a failure do not try again because if they had not we would not have had much success in the world. There have been business firms that went bankrupt once or twice or even three times, but they struggled and got back and some of these today are the biggest businesses in the world.

We took on the airline from Lacsa and we did not know what we had or what we were getting since we did not have anything to begin with. Nobody bothered about it when Lacsa was operating; nobody asked any questions. We survived and not as far as we have gotten because we are not running even with half a million dollars going into the treasury a month. It is said it is a failure and we should not be taking taxpayers' money to do this; we should put it aside for rainy days, but then we should not be doing other things for the people. It is their money, but this is being done for the benefit of the country, to help develop the country and make life more comfortable by making amenities more available to further our education and everything else. So why break it down to one area or one side?

If the shipping companies get into any problem and lose a ship they do not throw up their hands because they lost a ship; they make an attempt to get another ship to replace it and hope within a few years they will be able to recover their losses. Any business investment is a hit or miss. If anybody listens to the radio there is not an airline in the world that is not suffering.

Mr. President, the hospital. We have a good hospital and good doctors, as far as I know we have quite a number, but there is one thing about the hospital's operations that the public cannot accept and that is going to the hospital after four or five o'clock in the evening and one does not see a doctor. There is supposed to be a doctor on call, however the nurse will call a doctor stating the illness of the patient and the nurse is told to give the patient one or two tablets and send him home. Mr. President, is that what we are paying a doctor $1,000 to $2,000 a month to do? To go on the beach or go to the pub and have a time and go back home because he is on call to call back the nurse, but never see the patient?

This again, Mr. President, is taxpayers' money. Anybody who has a duty to do, because the same doctors are not on call every day or every night, everyone is on shifts and when one is on shift and called in they ought not to hesitate to go see the patient.

MR. CRADDOCK EBANKS (CONTINUING): I remember a few years back, Mr. President, when we had a dying woman in my district - (well that is what I call her, in fact she died before the doctor got to her) - however, someone had gone to look for the doctor. But he was gone so long that I went in pursuit of him. I met him on the way back and he said the doctor was on the beach he was not certain. Well, I went straight to the hospital and the nurse on duty told me the same thing that he was down on the beach, but at the same time she said, 'see, he is just driving in now'. I went across and saw him and he bore me up and down and told me he was not going. However, he changed his mind but he said if he went to North Side and the woman was not as sick as I was saying he was going to blow his top. I told him he could blow it on me. He left, but before he got there she died. This is the problem, Mr. President, although I am not saying that if he had gotten there while she was still living he would have saved here, but he would have done his job and done what he was requested to do to visit this sick woman. He failed to do it up until the end and were there a bit angry because he told me he would take it out on me if she was not as sick as I was saying.

The same thing exists today, Mr. President. People come here for their time, get tied in, it is a free country, it is a sunshine country, it is a beautiful country which has everything at ease, and enjoy themselves while they draw their salaries. I might have to go to hospital some time too and they might take it out on me, I do not know. I suppose there are two persons one ought be careful of and they are a cook and a doctor.

We had two doctors running the whole show a few years back. Dr. Norton was one of them and any time you wanted him he would tell you where to find him. What you called him at three or four o'clock in the morning or maybe midnight he would be there. Dr. Ikua was another doctor who filled in here (we did not have the hospital, just a small one) but anytime he was going out instructions were left where he could be found.

I remember on one occasion when I went to look for him he had his glasses on and he put them from and said, 'alright, let us go". These are the people that we need to work in our country with and for our people: people who are dedicated to the people and to their jobs.

Mr. President, I think that I have gotten across to you the most important areas of the why I feel about what is going on and about what we are paying to have done and are not getting it. Just because we have $2 million or $3 million surplus in revenue we should not be lax and let people who we have employed do as they want and work when they want. It is not good enough, Sir. Anyone who cannot put in an honest eight hours a day work should not be treating taxpayers' money, Mr. President. That is what should be done as far as I am concerned. I do not have any choice - nobody is my friend in here. My friends are on the outside when I go back out and meet them. However, I would feel guilty at the end of the month when I go to collect a cheque and instead of putting in twenty-one days or whatever, I only put in fifteen days. People call in and say they are sick and you see them somewhere else: all this should be checked into.

Mr. President, I thank you for your time, I thank you for your patience, I thank you for bearing with me and I will always attempt never to lose respect for the chair.

MR. PRESIDENT Perhaps it would be convenient for Members if we suspend proceedings for fifteen minutes or so.

AT 3:30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:49 P.M.

MR. SPEAKER: Please be seated.
Second reading of the Appropriation (1983) Bill, 1982. Proceedings are resumed.

HON. G. PATO RODDEN: Mr. President, the Budget put forward for 1983 is definitely one with many positive indications. It shows that 1982 will end with a huge surplus. It also shows that without using this surplus in 1983 we will be able to meet our expenditure for 1983 and also end in 1983 with a small projected surplus. There is also a healthy reserve; one Member complained that the reserve is only $12,500,592.00, yet that reserve is greater than the total revenue a few short years ago. All of this has been done with no increased taxes. In fact the duties are being reduced on a few consumer items and I will deal with this removal of duty just after I mention one more item.

Another positive indication of the state of the economy is that the public debt stands at only $3.2 million and it took in 1982 something like 2.3% of the local revenue to service the debt and the service charge for 1983 should not exceed 2.5%. This is considered healthy when we remember a few short years ago it took four times as much to service the long term debt.

A few items have been singled out for the removal of duty. This is in keeping with a practise which began a few years ago and has been followed year after year. One Member complained that the public would not benefit very much from the removal of duty on baking powder. However, baking powder is only one of the few items from which the duty will be removed. It will be removed from macaroni, vermicelli, oatmeal, cream of wheat and when it is put all together the public will benefit. Certain recommendations have been made to remove the duty from other items and perhaps these can be considered if we live to see the preparation for the 1984 budget.

One item singled out with which I agree is the removal of duty from kerosene oil. Kerosene oil is charged duty at the rate of 8¢ per gallon and the kerosene oil consumed locally is used mostly by some poorer people who still use the kerosene stove and the kerosene lamp. The bulk of the kerosene imported is used for jet fuel and is not subject to duty. So I will support the removal of duty from kerosene oil in next year's estimates, that is in preparing next year the estimates for 1984.

One Member said that if we really wanted to do something for the public we should consider the removal of duty on soap and other detergents. Well this is true, however the importation of soap and detergents make up a great proportion of the revenue which is used or which is brought into the Island. If we are to remove the import duty from soaps and all detergents the revenue will be significantly affected and this can only be done if we find substitute revenue from other areas; and it is not a matter that the House is equipped to deal with at short notice.

There has been very little criticism of the Budget and this is as it should be because as I mentioned earlier the Budget is a positive one. However, it is paradoxical to hear some Members say that we should cut our spending, we should trim our sails, we should be prudent in our finances and at the same time put forward such preposterous ideas as building sidewalks all over George Town, providing more money for capital projects in Cayman Brac and on and on. It is not possible to admonish the Government to reduce spending when each Member cries out to spend more money.

HON. T. RALPH POOLE (CONTINUING): One Member noted that the capital expenditure for Cayman Brac this year is only 6.2% of the total capital expenditure. However, on the face of it this is not a bad thing because the population of Cayman Brac is also only 6.2% of the total population. The Member made it clear that he had arrived at the 6.2% for capital spending because he had excluded $1/2 million which is in the Budget to be spent in Cayman Brac on a new terminal. I maintain that we cannot exclude that $1/2 million of spending in the Brac as if it will not happen. The negotiations are in the advanced stage in Brussels for the approval of this loan of £500,000 for work on the terminal in the Brac and there is a strong possibility that this money will be available and some of it will be spent here long before 1983 comes to an end.

It is true that a loan from this same source, and incidentally for work on the Cayman Brac airfield, took a long time before the money was available. However, that loan as the Members knew was the first loan acquired from that particular source and there were many administrative hurdles to be overcome before the loan was finalized. However, this loan should move speedily, in fact at the present time the Public Works Department is ready to go ahead with a part of the new terminal structure in Cayman Brac in that they are ready to start construction on the shed which will house the standby generator. This work has not been delayed because the land has not yet been acquired for this purpose and it would be a good thing if the Members from Cayman Brac can click their Government in completing their negotiations on the purchase of the land so that we can move ahead on this project.

There has been mention that we should make an effort to complete the Bluff Road. It may be when we go into Finance Committee that the money can be changed around. But if one examines the Budget one will see that money from the construction of roads in Cayman Brac and Little Cayman this year amount to $330,000. while money for the construction of the roads in Grand Cayman amount to $1 million: so that the money earmarked for roads in Cayman Brac is exactly one-third of the money which has been earmarked for Grand Cayman. So it cannot be claimed that Cayman Brac has been neglected in this way. Now I think it should be a matter for the Members to decide how they would like to spend this $330,000: whether all of it should go on the Bluff Road or whether some of it should be used on other roads.

There has been criticism of Cable and Wireless and I can only say this is fair criticism. The new manager of Cable and Wireless is really making an effort to remedy the situation which he inherited. Cable and Wireless through poor planning in the past have found themselves unable to cope with the rapid development. I understand that in the East End area over 100 people are now waiting for telephones and this cannot be remedied even right. A new exchange will have to be built before these people can be hooked up.

Only a couple of years ago an exchange was built in North Side and here again people are on the waiting list for telephones. They have not been able to keep pace with the development because from the first year of their operation they have augmented beyond judging other needs by their experience in other Caribbean Islands. It is expected that early next year a digital exchange will be opened which will take care of George Town and will also provide for direct dialing from Cayman. However this will not help the areas in the outlying districts.

The Second Elected Member for Cayman Brac mentioned the hope that a direct mail service would be constituted between Cayman Brac and Miami. We have examined this and it has been found that the volume of mail from the Brac does not warrant direct

HON. G. HAIG BODDEN (CONTINUING): forwarding to and fro Miami. The putting in of the direct service depends on a mutual agreement between the United States of America and the Cayman Islands. The Post Office in Cayman Brac at this time is not considered an international office of exchange for foreign mail. However a proper count will be done on the packages of mail between Miami and Cayman Brac and the United States will again be approached to consider direct mail service between Cayman Brac and the United States.

I will give this matter my support because I know the mails coming from Cayman Brac through Grand Cayman on to the United States are very slow and I would like to assure the Member that the Head of the Department and myself will do what we can to make it a reality if it is at all possible.

In the Budget there is money earmarked for the traffic study for implementing recommendations made in a traffic study that has recently been completed. Although this is not a part of the traffic study a decision has been taken by Government that it will reduce the speed limit on the Bodden Town/George Town road. I would like to answer this because at least one person wrote a letter in the press some time ago complaining about the silly action of the Member for Communications and Works in reducing the speed limit not knowing that he was disclosing his ignorance in that the speed limit is not my responsibility at all, but the responsibility of the police.

Having looked into the matter it is difficult to understand why the speed limit had not been reduced before. Between Tropical Gardens and Savannah, which is the area under review - a distance of only four or five miles, there are now seventeen roads leading off the main road to Bodden Town. Seventeen roads on which cars are always coming to a halt to turn off onto the side roads. These roads are the Tropical Gardens road, the old South Sound Road - two entries, the dike road by Mr. Rose Coe, two dike roads at Red Bay, the old road to Prospect which has two exits, four roads going into Prospect itself, one going into the subdivision at Spotts and two roads on the south side of the road just east of Westbay Hill and the road to the major subdivision at Red Bay Estates.

The volume of traffic on this road is very high. I do not have the figures for this, but we know that coming into George Town off of this road, 6,000 vehicles a day turn into the North Side Road; more than 10,000 enter Shedden Road. We must also consider that in the last few years many major developments have taken place on this road. There is a new constructed roadside building containing not only office buildings, but carwash and service station, three or four other businesses in that area which are about to go into operation; the Lions Community Centre which houses the Pre-School and many activities at night; Selkirk Plaza, Cayman Foods, Beach Bay Condominium, Coral Bay, the subdivision at Spotts and now being erected a large block of apartments at Red Bay and this road, this particular stretch, has become densely crowded over the last few years. It is almost impossible at the rush hours in the morning and evening to reach a speed of forty miles per hour and in fact nobody in the rush hours can now drive safely at sixty miles per hour. If the fatal accidents are any indication, that road needs some attention.

With the exception of the accident in George Town which killed four people and the one in Little Cayman, every other traffic death this year has taken place on the Bodden Town Road. One of them actually took place at Rose Bay which is outside our consideration, but the other six took place - one just above the airport, three in Prospect and two in Lower Valley.

The road apart from having become busy is a badly designed road with many sharp turns and many people who get into trouble on this road are people who are unfamiliar with it.

HON. O. HAIG BODDEN (CONTINUING): at night the road is badly lit and there are perhaps contributing factors which also have to be remedied and I strongly support the Traffic Department in their move to reduce the speed limit.

On the traffic study I am afraid that when it is implemented we will see more yellow paint on the road and that is the reason why I borrowed this yellow chalk to wear today. For the traffic to move smoothly parking will have to stop and be moved off some of the roads in George Town. To mention one, Harbour Drive will become a one-way street and there will be reduced parking on this road. The road is really intended primarily as an artery through which the traffic will flow and parking can only be allowed when it is safe and safe enough.

The one-way streets, Cardinal Avenue and Shedden Road will be turned around so that the traffic flows in the opposite direction to which the traffic now flows. One of the reasons for this is that as it now is traffic coming out of Elgin Avenue flows in a circular direction to get on to Edward Street and it is felt that if it is turned around and the traffic coming out of Elgin Avenue turns left, some of this criss-crossing like unless of a hurricane will be eliminated. A traffic signal is to be put at the intersection of Harbour Drive and Shedden Road so as to control the movement there.

Comment has been made on the Water and Sewerage Law. I will not reply because I am short of time and will answer the comment during the Second Reading of the Water and Sewerage Law when I have had more time to consider and will be better able to rebut, if I can use a kind word, the statement that has been made.

One Member mentioned that work is done on private roads and he hopes that there will not be any favouritism or words to that effect. I can assure the Member that when roads are fixed we try to fix the ones that are in the worst condition. We know the problem with the private roads. Most of the private roads have come about because developers simply put in a road and then fail to keep it and Government now has to pick up the tab for maintaining the private roads. As these private roads are multiplying so fast it is almost impossible to keep on with them, but the Department does the best to keep them so that the traffic finds them passable.

I would like to make comment on the purchase of the 737 and to say that when one Member merely says that the airline contributes to the prosperity here, his statement is very, very mild indeed. I see the airline, as I have mentioned in this Chamber on more than one occasion in the past, as one of the main ingredients in our economy. We have an Island of which we are proud. If we could take this Island and put it down on the shoreline of North America we would not need an airline, but we are stuck here geographically and nothing will change it.

I have talked many times to many people from many islands in the Caribbean and the considered opinion of these people is that the Cayman Islands are blessed because of their good communications; communications by air, by sea, by the electronic media - take it away and we would go back to the days when there was no airport or airstrip. How can a person put his best foot forward and drag the other foot? This is what Members would be doing if they say we have prosperity of which we are proud, if we say we have stability of which we are proud, if we say we are not against the airline and at the same time say that we should not purchase the 737.

In the light of the changed circumstances in our economy today we are much better able to buy two 737's than we were back in November 1977 when the country was bankrupt and we entered

HON G. HAIG BODDEN (CONTINUING): upon the purchase of the first BAC 1-11. And it is my considered opinion that had not the Government been bold enough to keep off or to ignore the criticism which came from a small little group of people who would have wrecked these Islands if they could at that time, if we did not have the courage to stand behind our convictions and to go boldly and buy those aeroplanes, I am saying that we would not be boasting today of a $52 million budget with a surplus and a reserve.

At the time of the purchase of the first BAC 1-11 the Government knew it was not the ideal aeroplane. That aeroplane was purchased for three reasons: one, the Government could not afford anything else, two, they could not find anything else and three, it was thought that since there had been so much controversy it would have been more politically acceptable to have an aircraft which the public was accustomed to. Today the picture has changed. The airline has lost money.

We feel that the dock in Cayman Brac will not be able to meet its loan commitment on its own, but because it will be run by the Port Authority here and can be subsidized by it if in trouble we have built the dock in the Brac. We know that the hospital is being subsidized to the tune of more than 90%, yet we keep the hospital. We know the schools and the Mosquito Research Unit are being subsidised 100%, but we cannot get rid of them because without them all other things would fall apart. So the question is not whether it is right to buy the aircraft; the question is whether we want to survive, do we want to continue, do we want the services that are necessary for the generation of revenue?

I know Members may try to tell the public that they could not vote for the 727; as one letter put it this week they could not support it with the Third Elected Member of Executive Council as the Chairman. This is nonsense. People who say that are in effect saying we do not want prosperity. There can be objection to the airline when it is considered as a whole.

We boast today in the Budget Address that there is a possibility of the Turtle Farm being restored to its former prominence. We talk about the moratorium on the Miami route and the same people today who seem to dwell in these facts were the people who criticised the Members of the Government when they went to Washington and they said my learned friend here, the Honourable Second Elected Member of Executive Council would not even be able to find the office.

Finally, as I promised, Mr. President, to stop at four-thirty and as I have not exceeded the limited time given to me for my speeches over the last two weeks, I will close by saying that no Member mentioned the need for a Customs' house and Government sees it and at the present time the Port Authority is studying the plans for the construction of a building which will house the Port Authority, the Customs and hopefully have an office for rent.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until ten o'clock tomorrow morning.

MR. PRESIDENT: The motion is that this House do adjourn until ten o'clock tomorrow morning. Does any Member wish to speak?

QUESTION PUT: AGREED. AT 4:32 P.M. THE HOUSE ADJOURNED UNTIL 10:00 O'CLOCK THURSDAY MORNING THE 25TH OF NOVEMBER 1982.

BUDGET SESSION AND
FOURTH MEETING OF THE (1982) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON THURSDAY, 25TH NOVEMBER, 1982

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD CMG, - PRESIDENT

GOVERNMENT MEMBERS

HON. DENNIS R. FOSTER, CBE, JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL & EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB.	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. THOMAS C. JEFFERSON	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 CIVIL AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER FOR COMMUNICATIONS & WORKS

ELECTED MEMBERS

MR. J. GARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THRID 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.	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FRIST 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 FIFTH ELECTORAL DISTRICT OF NORTH SIDE

*Absent in a.m. (Apologies received)

ORDERS OF THE DAY

FOURTH DAY

THURSDAY, 25TH NOVEMBER, 1982

1. SUBSIDIARY LEGISLATION - THE LEGAL PRACTITIONERS (STUDENTS') (AMENDMENT) REGULATIONS, 1982 - TO BE LAID ON THE TABLE

2. GOVERNMENT BUSINESS -

(a) THE APPROPRIATION (1983) BILL, 1982 - SECOND READING DEBATE (BUDGET) CONTINUATION OF -

(b) THE OATHS (AMENDMENT) BILL, 1982 - FIRST AND SECOND READINGS

(c) THE TRAFFIC (AMENDMENT) BILL, 1982 - FIRST AND SECOND READINGS

(d) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1982 - FIRST AND SECOND READINGS

(e) THE NOTARIES PUBLIC BILL, 1982 - FIRST AND SECOND READINGS

(f) THE WATER AUTHORITY BILL, 1982 - FIRST AND SECOND READINGS

(g) THE LITTER BILL, 1982 - FIRST AND SECOND READINGS

GOVERNMENT MOTIONS -

(a) NO.3 - APPOINTMENTS TO THE CINEMATOGRAPHIC AUTHORITY

(b) NO.4 - APPOINTMENTS TO THE LIQUOR LICENSING BOARDS

(c) NO.5 - HOSPITAL FEES.

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THURSDAY, 25TH NOVEMBER, 1982

10:00 A.M.

MR. PRESIDENT: Please be seated. Papers to be laid.

THE LEGAL PRACTITIONERS (STUDENTS) (AMENDMENT) REGULATIONS, 1982 - LAID ON THE TABLE

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to lay on the Table the Legal Practitioners (Students) (Amendment) Regulations, 1982 which were made under Section 19 of the Legal Practitioners Law, 1969.

MR. PRESIDENT: So ordered.

Government business - The Appropriation (1983) Bill, 1982, Second Reading Debate. Does any further Member wish to speak?

CONTINUATION OF DEBATE ON THE SECOND READING OF THE APPROPRIATION (1983) BILL 1982

HON. JOHN B. MCLEAN: Mr. President, I join others in congratulating the Honourable Financial Secretary for the presentation of his Budget Address, which I do consider a very informative one. I think it is only right to say, he should be commended on his first speech in which he has so ably laid out the affairs of our country. I also endorse his words "Government must exercise prudence in its financial dealings". It is my honest opinion, Mr. President, that those words are words with great meaning, and words which we should follow closely.

Mr. President, each year in debating our Budget we boast in this Chamber of how fortunate we are, we continue to praise ourselves for the number of banks and trust companies here in our little Island. This I must admit is to our praise, and this I support. However, Mr. President, I do feel that the time has come when the banks and trust companies should appreciate more what our little Islands have to offer. We need the banks and the banks need us.

Today, Mr. President, we are faced with a problem, a problem which could easily be solved by the banks and trust companies, the problem being none other than housing for less fortunate Caymanians. It is my honest opinion that if a pool was formed by the local banks and trust companies on our Island monies could be made available to solve such a problem. We have in these Islands many young Caymanians who would love to own a home of their own, but due to the fact that there is no long term financing, and due to the fact that the rates are so very high it makes it almost impossible for somebody who is making a very small salary to own a home of his own. Today I am appealing to the local banks and trust companies to come forward to form a pool and to assist the people of these Islands, and to help Government in solving such a problem. I think it is only fair to ask for such a small contribution, after all, there are many benefits that the banks and trust companies derive from our shores.

Mr. President, another area which deeply concerns me, is our Immigration Department. The people in our country today are becoming upset with the continual influx of people into this country. I have constantly had complaints from workers, especially in banks, whereby they are being pressured by expatriate Heads of Departments. I think it is something that Government has to do, to have a thorough investigation into the Department and to make sure that our people are looked after. Such an unrest, Mr. President, could lead to an upheaval, and I will give a word of warning, this has been the down-fall of many countries.

HON. JOHN B. McLEAN (CONTINUING): Mr. President, much has already been said on various parts of this Address, so I wish to confine myself to areas effecting my portfolio.

In yesterday's debate one Member in his contribution, said that he hoped through the Agricultural and Industrial Development Board more funds would be made available to the people of these Islands. I give that Member my assurance that through that Board every effort is being made to encourage farmers, to encourage light industries and to encourage tourist related industries. As was pointed out in the Budget Address, we have already loaned a sum of $154,000.00, and to me, Mr. President, with a newly formed board, this is a fair amount to be loaned thus far.

The various projects which have been funded, Mr. President, are very encouraging ones, ones which were needed. There were projects such as bakeries, a restaurant, a coconut expelling plant, a fishing boat and farm developments, all projects thus far have been operating very good.

I would also say, Mr. President, that presently the Department of Agriculture has been upgraded, we know have a very competent Chief Agricultural and Veterinary Officer. We are now able to offer to the general public a twenty-four hour service, this has been an area which has been constantly complained about, and we do hope and trust with this upgrading that the public in general will be satisfied.

We have recently received a new tractor for our demonstration farm, and I must say, it was all through the generosity of the Canadian Government. We are very pleased with it, and we are thankful to the Canadian Government, and we do hope and trust that this piece of equipment will allow us to perform even better than we have been doing with manual labour. At present, Sir, at the farm we are growing various crops, we have bananas, plantains, peppers, tomatoes, sorrel and others, and this year we have had an excellent crop of melons. This, Mr. President, to some people may not seem important, but to me it is very encouraging to be able to stand here today and to say that we have something on the demonstration farm. This area has been in for much criticism, and as I promised this Honourable House, I would do whatever possible to make it a success.

We are also looking at crops besides the short time crops, and presently we have planted a number of mangoes, avocados, citrus, these are all hybrid plants and plants which we hope in the near future will be able to produce sufficient crops to at least recoup what has been spent on the farm. We are also offering a service of imported hybrid plants from the United States to the general public, and again, I am pleased to know that the interest of the Caymanian people has been stirred in this area, as fast as the plants can be brought in they are being sold.

Mr. President, I now turn to Cayman Turtle Farm, another area, as it has been pointed out here yesterday, that came in for severe criticism over the last few months. I am aware that some of the criticism was due, but on the other hand, Mr. President, most of it was unasked for. The history of the Turtle Farm is not something new, it has been preached in this Chamber so many times and everyone here knows of the Turtle Farm importance in this country.

A few months ago a delegation from Washington was invited down here by Government to see first hand the full operation of the Cayman Turtle Farm. This was done, Mr. President, in an effort to have the U.S. ban , which was imposed some years ago, lifted. After returning to Washington a delegation from Cayman flew to Washington to testify at a congressional hearing. I am pleased to say, the delegation composed of, Mr. Kerney Comes, my Principal Secretary, Dr. Wood, Managing

HON.JOHN B. McLEAN (CONTINUING): Director of the Turtle Farm and myself. We flew to Washington, we testified at the congressional hearing, and I must say, Mr.President, there was no stone left unturned. We tried in every way to put the words across of how important the Farm is to us, what it means to the people of these Islands, and I must say, I did leave Washington feeling a lot better than when I went there.

I feel, Sir, very confident that in the near future I will be able to say to this Honourable House how pleased I am to say that the ban has been lifted.

Since my return I have been in constant contact with Washington and until day before yesterday I was given every encouragement that this ban will be lifted.

I am aware that on my return the News media wrote an article concerning the hearing in Washington and in that article the words to the effect of Caymanians pirating turtles in Nicaraguan waters were written. It was also said that the words which were quoted were said at the hearing by one Mr. Archie Carr. This is incorrect, Mr.President. An affidavit was put forward at the hearing by one Mr.McBean and he referred to an affidavit from Archie Carr. This, I assure everyone was contradicted there, was contradicted before the hearing and it has been again since I returned, because I have written strong letters to that effect, both to Washington and to Nicaragua.

However, Mr.President, with those words on the farm I will comment no further on the matter but I assure Members that it will be with great pride for me to call them if something should happen.

Mr.President, I thank Members of this Legislature for their kind remarks on the Departments of Lands and Survey, MRCU and Planning Department. Once again, I must apologise for some inconveniences which occurred in Lands and Survey and the Planning Departments a few months ago. However, at the same time, Mr.President, one should realise that both those Departments have been under much strain. This again has been shown by the figures which have been put forward in the address. Land transfer was CI$16M as of August, 1982 which compared to CI$6M for the period in 1981.

Mr.President that was not one transfer. Likewise in the Planning Department, the first 9 months of 1982 at 19 meetings 480 applications were processed, this, again, took some time in preparation of each application.

I thank Members for their support for my portfolio and to me, as a Member of this Legislature. I do hope and trust when we go into Finance Committee that I will have their blessing for funds which have been put forward for my various Departments.

Mr.President, I would like to touch briefly on Pirates Week. Yesterday in this Chamber the name Pirates Week became an issue, an issue which I do consider very childish. It is my honest opinion, Mr.President, that if we are going to change the name Pirates Week we will be defeating the whole meaning, it does not necessarily mean that we are Pirates, but we are just putting forward something that history tells.

Quite recently, while in Lake Charles, I was sitting reading a magazine and I was shocked to see that their festivals there are similar to ours and I wonder if those concerned about the name, Pirates Week, would like to change it to what is held in Lake Charles - the title there is Contraband days, and it is the same as ours where pirates come to a district, take it over, and a week's festival is held. This is a

HON. JOHN B. M'LEAN (CONTINUING): large city, Mr. President, and I think one and all should support and encourage our little festival here in Grand Cayman, forget about the name and think of the benefits we derive from it. There is no two ways about it, Mr. President, it is a slow season, a slow part of the tourist season, and it does bring visitors to our shores.

Mr. President, in concluding, I wish to say to you, that I wish for you and your family a very happy holiday season. I extend the same wishes to the Clerk and her staff and to all Honourable Members of this House. Last, but not least, I wish to congratulate none other than Mrs. McLaughlin, on what I consider a job well done. A few days ago when we held our 150th year celebration, I think we created history.

Mr. President, I support the Appropriation Bill, 1983.

HON. JAMES M. BODDEN: Mr. President, I too will join in a few words of rhetoric in regards to the 1983 proposed Budget.

It is a great pleasure to be here once more and to be able to help in the presentation of the Budget for the forthcoming year. There is very little I think that I or anyone else can say about the Budget that has been presented. There is no need for us to expound on it further, in my opinion it speaks fully for itself, because we have tried to take the money that was available and use it in every area of the community that it can bring some good to the country. It is a budget that was well thought out and well presented.

I would like to praise the Financial Secretary for the presentation of the Budget Address as well as for his work that was done in its preparation. He has only been in this position for a very short time, but he certainly has grasped the reins like a good jockey, and I have full faith in his ability, and I feel that the Island as a whole should support him and share the sentiments that have been expressed in this Chamber. For this part of the presentation I would like to also compliment the Clerk of the Legislative Assembly for the magnificent job which she managed under difficult circumstances to handle very efficiently. I think it once more speaks of her efficiency in her work.

In regards to the Budget, it is heartening to see that once more we are able to present from such a small territory a large Budget with a surplus and very little borrowings for the future. We have been able to do that without the increase of any additional taxation, this alone I think will speak very good to the people of this country and to people from abroad. In addition to this, although it may be looked on as a pittance, duty has been taken off again on food stuff, which has been the policy of this administration for several years now. We find ourselves at the end of 1982, after suffering some pitfalls, after enjoying some good times, but still being able to show a good healthy revenue so far as our finances are concerned. It is pleasing also to see that for the year 1983 we are able to put such a large amount of recurrent revenue into Capital Expenditure, which means that our borrowings will have to be on a very small scale. When we stop and look at the Budget that has been presented and we find the small amount of money that these Islands owe, all the assets that the Islands possess and all the benefits that we have been able to enjoy we wonder how it can be accomplished and such a small amount of recurrent revenue be used to pay the interest and the principal on the loans that we have. From the year 1975 until now, which is about 6 years, there has been only a slight increase in the long-term commitments of Government in regards to borrowing. It has not been an open flood gate like it was in the years past.

HON. JAMES M. BODDEN (CONTINUING): In the debate yesterday one Member quite rightly said that banking and tourism were the pillows of the economy. I think that is readily recognized by all of the people in this country, and there are two points that we should never forget. They are two fickle industries, they are the only national products that we are able to have and everyone should approach these problems in a tender manner. He also said that these were the things that helped put the country where it is today, and that is quite true, but I also wonder what action or approach was used by the Cabinet in 1972 and 1976 to create the mess which this administration inherited in 1976. I too believe, Mr. President, that we must contend with our needs and not our wants, but needs of the people brushed under the carpet in the years 1972 and 1976 were ridiculous; their needs were not attended to but rather the wants were allowed to run wild.

One Member, Mr. President, said that we employ novices in the promotion field in regards to tourism for this Island. Well, if we are employing novices, Mr. President, then these novices have been very successful, because tourism world wide has suffered a significant slump in the last year, yet I am quite confident that by the end of this year if we suffer any loss in regards to the comparison of our 1982 figures against the 1981 figures that it will not be more than 1% on air arrivals, but on the cruise ship arrivals comparing 1982 to 1981 we will be up over 100%. It is good for all of us to talk about the good of tourism to this country, but it also means, Mr. President, that every one in this country must work together to try to keep tourism in the healthy position that it is right now. It also means, Mr. President, the private sector has to realize that they have to produce a good product and they have to produce it at a reasonable rate, their prices cannot be allowed to run rampant and neither can the condition of their properties continue to deteriorate if we are going to keep our position in the tourism field.

I think, Mr. President, that what has been accomplished in the line of tourism, not because it is in my portfolio, should be recognized as a great accomplishment for the people who have done it and who have been associated with it. This entails much work from many people, it is an ongoing process that has to be updated every day, and I would hope that some of the Members of this House would be willing to forget their petty jealousies and put their shoulders behind the wheel and help in the promotion of tourism in this country rather than trying to tear down the people who are involved in it, because by doing that, Mr. President, we can only hurt. If a person has given his all and has done a good job, and you come out and say, you have done nothing, that person like any human being is going to feel very badly about it. That leads on to one other point that is always criticized, castigated and whipped, and that is the News Bureau. I am not here to defend personalities or to defend the News Bureau, it is an open record which the Members of this House have had before them on many occasions, the contracts are in the Administration Building, there are copies of every invoice that has been involved in it, there are constant reports of everything that is done, so nothing is a secret. It could never remain a secret under the system under which we operate, therefore I think again it would be much better for us to join together and try to support the things that the Government are doing. If they would when when they get in power and are lucky enough to win an election,

to change the name to Little Cayman News Bureau or West Bay News Bureau or something like that, that is alright, just bring in the people and do so, but while it is being done and done very efficiently, Mr. President, I think it is very ridiculous for these people to be going on in the manner they are, particularly in the Chamber of this House.

One Member yesterday morning said that it is doubted whether Cayman Airways Limited can operate profitably and to what extent it needs to be subsidized by Government.

Mr. President, Cayman Airways Limited has been a whipping dog since 1977, and I am glad it is, because while

HON. JAMES M. BODDEN (CONTINUING): they are talking about Cayman Airways may be somebody else is getting some rest. This has become a national past-time. It is in my opinion, and I think the opinion of many other people, that Cayman Airways today is the strongest pillar that is upholding the economy of the Cayman Islands. Once the Cayman Islands would do, as some of these Members say, invite Eastern in, invite Lacsa in or invite somebody else in that we give up our main link to the outside world, then, Mr. President, I believe that we should sit in sack cloth and ashes as Ghandi did when he pledged that his country would get freedom, because at that point we would need that or something else.

There is no doubt that Cayman Airways has cost this country some money, and it will probably cost it some more in the future, but if one would just stop and look at some of the facts, it is the second largest employer of labour in this country, and I might say, well paying positions. Would we want to take our young fellows who have the ambition to go to school, many of them paying it out of their hard earned money or borrowing it from their parents or however they could get it, to learn to fly because that was their life's ambition, and then tell those people "I am sorry, we do not have a job for you now, because we think the little bit of money we are paying out is too much to keep the airline flying". Would you put us back in the position that we were in with Lacsa in 1977?

Mr. President, yesterday I was very proud on some of the reports I got. We recently sent off three of our young co-pilots, one of them I do not think is more than twenty-three years old, and those three fellows have just obtained their captain's ratings on 727's with very high grades. This is what I think the young people of this country can do, and I think it is incumbent on Government to give them the chance to be able to do that, and these people who continually try to tear Cayman Airways apart should try to think of the benefits it has been to this country and the benefits that it will continue to accrue from this country with our own national airline.

It is not surprising to me when I hear the stories about Cayman Airways, Mr. President, because back before 1977 this country had a national illness, and it was probably one of the worse illnesses that a country has ever been afflicted with, and it was diagnosed as the Lacsa syndrome, and these people were heavily injected with the Lacsa syndrome. So, it does not surprise me that it has taken five years to try to get it out of their system, it will probably take another fifty. But I say in this House today like I have said before on many occasions, I think I would be derelict in my duty to the country, derelict in my duty to this generation and to the generations to come if we did not fully support a national airline. If we are to give that away we might as well give away all the hopes that we ever have in this life for being self governing people, because if we are not able to support one part of our national heritage in that way, we will never be able to go forward with further governmental abilities. It is ridiculous the manner in which it has been dealt with.

In regards to that, Mr. President, let me advise this Chamber that much money has been spent to put an international airport in Cayman Brac, upgraded to all of the standards that this airport here will be upgraded to. Recognizing the needs of those two Islands for air service, although, Mr. President, when we went abroad to fight this problem we have been slapped in the face by saying, "well, Members of your House did not even support your stand, here is an appeal by certain people to support Red Carpet against Cayman Airways". Those same people, Mr. President, when Red Carpet got into difficulty and had to disband and stop the operation were quite quick to jump on the band-wagon against Cayman Airways, and said that it was Cayman Airways that had forced Red Carpet out of business. That was incorrect and very misleading to tell such a thing to the public, particularly to have it printed.

HON. JAMES M. BODDEN (CONTINUING): Cayman Airways was not responsible for the demise of Red Carpet, but even if it had been, Mr. President, those same people are shareholders of Cayman Airways just like I am and every other Member in this House and every member outside the public is. It is our national airline, it is the people's money and therefore we should go to any extreme in the support of it. We recognise that it is vital for Cayman Brac and Little Cayman to have good dependable air service, and we recognise that in order to give it to them they have an equal right to us to have it; but in order to give it to them, Mr. President, it has to be heavily subsidised. Why do they not draw attention of that to the public?

To service the Lesser Islands, Mr. President Cayman Airways purchased a Trilander aeroplane, which has given very good service. It then upgraded to a 748, which has cost virtually one million to buy and a lot of money to maintain, and it the present time the operation has been extended to Miami to give them better service and better links to the outside world, and the cost to Cayman Airways is going to be in excess of a half of a million dollars loss this year. Now why do they not talk about that, and not just the benefits that accrue to Grand Cayman? If you take into consideration the amount of losses that we will suffer on the interisland route this year, per person, per capita, and compare it, you will find that several million more would have to be lost for us to be even on the Cayman side of it with the Lesser Islands.

Mr. President, the Cayman Islands as a whole need airline service, not just Cayman Brac, Little Cayman and Grand Cayman. We recognise it because the Trilander Aircraft flies many trips a week into Little Cayman just for one or two people on many occasions sometimes, none. Now where else are they going to get that service? Is Air Florida, Eastern, B.W.I. or Lacsa going to give it to them and lose that kind of money, no, Mr. President. Cayman Airways has to be compared in this country with the facilities that we offer in education, health and so forth. It is something the Island must have if it is going to maintain its position locally as well as on the outside world.

One Member said that Cayman Airways was operated in an unbusiness like manner and there was difficulty in getting financial statements, and we should employ qualified consultants.

Mr. President, I would hope that sometime in the not too distant future Cayman Airways will be operating in a business like manner that will suite this particular person. The difficulty in getting financial statements, I do not think anyone deplores that more than I do , Mr. President, because I have been the closest one to it and I have had to burn much midnight oil trying to figure things for myself in order to try to make decisions that I would think would be worthwhile for the company. I have never been able to get but few financial reports or few operating reports, and it is not my fault, Mr. President, it is because of the people in these sensitive positions that we have had employed in the past. I have spent much of my own time, I would say, sometimes needlessly, may be, in trying to put together the necessary figures that would help the Board as well as myself in making appropriate decisions.

I am hopeful that with the people that we now have on staff that this problem will be corrected shortly. The Member who spoke about those difficulties and has consistantly spoken about these problems, Mr. President, was a Member from this House that was elected as Chairman of the Committee to go into the financial reports of Cayman Airways, and I am sure, Sir, that he had as much difficulty as I have had in trying to get those necessary ones, because in most cases they have not been available. I will take the blame for everything, Mr. President, but really, that is a blame I do not think I should carry,

HON. JAMES M. BODDEN (CONTINUING): I am not an accountant, I have never professed to be one, therefore I cannot go into Cayman Airways office, I might do many other things for Cayman Airways, and I have done this too, I have done many accounts for it in trying to figure out, but do not really hold me responsible and think that I must get those figures for them.

The consultants. Yes, Mr. President, one of these days when we do get qualified accountants and accountants who can spare the time to do it, I will ask them to go back from the inception of Cayman Airways in 1977 and give me what the cost has been for the amount of experts and consultants we have had. That is one of our problems, like the problem that has been associated with Government for so many years, Mr. President. We have exported and consulted ourselves out of existence, because we bring in a consultant today and he stays here enjoying the beauty of the Island; we wind up paying twenty-five or thirty thousand dollars, we sit around six months waiting for a report and when it comes it is ninety-eight pages telling us about the geography, the history, the water tables and this and that which every school boy knows. The last two pages deals with the subject and at the end it says, "We regret we are unable to tell you anything more than what you are doing now". Everyone of these Members has gone through it so why are they making such a big issue of the consultants and the experts? Everyone associated with Cayman Airways has been living with this problem for so long and have been so close to it that I do not think one of them could tell anyone, or tell the experts rather, what the problems are. We know what the problems are, it is a matter of getting them corrected. If you have appendicitis today you cannot go into the kitchen, take a butcher knife and take it out yourself you have to wait for a doctor to take it out for you.

During this session, Mr. President, I am hopeful that the financial reports up until June, 30th 1982 on Cayman Airways will be tabled in this House. I hope they will spend and enjoy many a restless night going through the figures and trying to figure them out and trying to write articles in conjunction with the balance sheet.

It was also said that the BAC's should be used for two more years. Mr. President, this is quite true, and I am prepared to tell the House this morning that I was the person who went in that committee room and said at that time that I thought it was much better for us to upgrade the BAC's, operate them for another two years rather than to go into the purchase that we were going into at that time. I still hold to what I said in there that day in that respect, Mr. President, because I have many reasons for doing so. Later on we found out that the cost of reconditioning the two BAC 1-11's to the point where we could expect, may be another five years service from them, would have been prohibitive and it would have been foolish to spend it on them. Mr. President, it is just like the Member who spoke about this, if he had a car and something went wrong with it he will try to fix it, you keep on fixing it, you get to the point when you cannot fix it anymore because it is entirely uneconomical, then you get a new car; that is the same position Cayman Airways was faced with. The checking alone would have cost over three quarters of a million dollars. What about all of the additional things? What about the maintenance with the cost that it has been running us, it was entirely prohibitive to do so; and another point, let us face it, Mr. President, in that we are faced with competition on the Miami route with Republic Airlines. Republic Airlines has had one flight a day and come next month there are going to be two flights a day, and not with the same aircraft they were using back a year ago, but DC 9-50's.

Now how are we going to compete? We could show you the charts, I think most of them have seen them, what was happening with the erosion of the market out of Miami. Now how long were

HON. JAMES M. BODDEN (CONTINUING): ve to sit and hear that and this Assembly instigate everybody concerned because Cayman Airways is losing money? What I am saying to you is Cayman Airways has had a toothache, we have got the dentist and we tried to remedy it.

One Member said that we should have a cancellation clause so we would not pay thirty-six million dollars for the two aircraft. Over a period of fourteen years, Mr. President, to come out in today's market with the cost of aeroplanes being what they are and with the interest being what it is, and come out with an expenditure of thirty-six million dollars is really not the big figure that it is touted to be. For the Member to say that we should have cancellation clauses in this contract, which there will be, so that we could get away from spending the thirty-six million dollars, Mr. President, how are we going to own it if we do not pay for it? If we were to take a decision to cancel that contract five years down the line, lose the equity that we have into it, the same Member who is saying this as golden words of advice would be the Member that would be touting it all over the world about how stupid we were. So you cannot have your cake and eat it too, Mr. President, they have got to make up their minds one way or the other.

One Member said that a Member should not be able to commit Government to guarantees without full concurrence of Members of the House. That one is a bit difficult to understand, Mr. President, because everyone is aware of the system under which we operate, and knows that I or no other Member could commit this Government to this project without it being approved by Finance Committee. This particular thing in regards to the purchase of the aircraft for Cayman Airways has been dealt with, I think, at least four times in the last few months in that Finance Committee room where each Member has had a chance to put his vote if he wanted it, and believe me, it has been done because there are no secrets, the vote was not unanimous. Members said in there that they are where it was necessary, feel it is right but they could not support it. Cannot support it, just because someone else said you cannot support it. No, Mr. President, I think it is time, I am about ready to fight with words or anything else in the name of politics, but I do believe the time has come when the Members who have so much to say about Cayman Airways should try to help us build Cayman Airways, they should be the people who will fly Cayman Airways; will try to get their friends to fly Cayman Airways, and maybe when that is done we will be in a position that we will not lose money.

Mr. President, in everything in this world someone must make a decision, and I have been charged with this portfolio so the decision is mine and I am not going to be derelict in it. The Member who made these statements was also a Member of the Executive Council, and I think that he made the decisions relevant to his department and his portfolio that was called upon him to make during the time that he was there. So therefore I am asking him, let us get along with the job and give us the support if he can.

One Member said that this Government, the reason for its success is because it inherited sound infrastructure and a revenue base, I imagine that was alluding to his administration between 1972 and 1976. I do not doubt, Mr. President, and I would be very stupid to get up here and say that we have not inherited a lot from the past, but we inherited very little from the past of 1972 to 1976.

It is true that this country has been built on the toil, the sweat, the tears and the blood of many, many people over many, many years but for the Member to allude to this fact in my opinion, is 99% junk. If this was a base on which they worked and we inherited it and made success of it, my God, why did not they let it work between 1972 and 1976.

HON. JAMES M.BODDEN (CONTINUING): Mr.President, now for the future of its one Member this morning spoke on housing. Housing is a problem that definitely has to be dealt with in this country. We recognised that and we put a law forward on it, although there was much objection to the passing of that law, it was passed. It has taken some time to get this placed because it is not an easy thing to put together all the infrastructure to handle this. If we were to rush it too fast we would get, I am sure, a lot of objections and we would soon ... to where instead of letters being written about Cayman Airways and Cayman Airways being a national subject of gossip, it would be the Housing Corporation. So therefore we have taken our time with this; I am hoping it will go through next year and be incorporated. I am hoping that it can tackle the problem and complete it; it is a momentous task and I am praying that we will get the financial support from the bankers and other areas of the financial community that is going to be necessary to let this work.

I appeal to the operants of this law, with their connections, Mr.President, to appeal to their friends in power to recognise the cancer that is out there and help us by coming foward and supporting the project with funds. That would be much better than tearing it apart, before it gets off the ground.

Pirates Week: Much has been said about that but I do not think again it is like the Budget, I do not think I really need to comment on it, it has spoken for itself. It has become a part of the country; a part of our development and something which I believe the majority of the people support in one way or another. I do not care, Mr.President, what name it is called by, but I see no reason for the great objection about Pirates Week. Anyone who knows the history of the Cayman Islands knows well that in years past it was one of the centres of piracy - it was used quite often and I am sure that some of our ancestors came from among their ranks. And if it was so that one of mine did, I am proud of it, very proud of it. I would have no reason to hang my head in shame. It is a part of the heritage of our country. It is what has built this country to the point where it is today, a little bit of this and a little bit of that. We would now have all been saints, Mr.President, you know, it is just like at a funeral- regardless of how crooked, how dirty or anything else you may have been, one good thing about it, when you die, you are going to get a nice sermon and if there is any chance of you going to heaven that sermon is going to put you in there. So that is one good thing in life that we have to look forward to. As long as you are down here, you are kicking, you are something else, when you get on your back there and you are not breathing, there is a piece of cotton in your mouth and your lips sewed together, boy, you are a good fellow then.

That reminds me, Mr.President, of just what we are doing in regards to Pirates Week: we are wishing that we could brush our past history under the carpet, in the saintly manner that we eulogise some of the Members of the past. But, Mr.President, like I hear it in this Chamber and I hear it in other places, what a good guy this guy was, and so forth and so on, then other people come up and say what a bad guy he was. So if we look into it we will find out that all our ancestors, all those who went behind us and all those coming ahead of us now were flesh and blood and everyone of them was subject to their idiosyncrasies and to the frailties of man, and it is no use of us hanging saintly mantle over them just because they are dead, you have not managed to preach them into heaven.

Mr.President, I think the main thing that is needed in this country is dedication to the country and not criticising for criticism's sake and not continually tearing down the work that another person would try to do. It is like our Minister getting up

HON. JAMES M. BOLDEN (CONTINUING): in a church and he is tearing down the church two doors down from him because it has a different name. That is stupidity, they are all preaching christianity, they are all trying to get to the same place, so one is calling himself a holy roller, the other one the Holy Jumper - what is the difference about it? They are all struggling for the same thing, and that is what we are doing here - struggling for the same thing, trying to keep the country together, on a solid foundation and I hope that we can get some support for it, rather than some tearing down as has been done in the past.

I would like to touch on one other point, Mr. President, and that again is as we have had a young girl from this country who has recently obtained two national honours, or International honours I would say and I am very proud that this has taken place. I think it speaks good for our country that over the last 4 to 5 years several of our young girls have gone abroad and taken this particular type of honours, it must be something in the sunshine that is able to get them this. But what I am really a bit ashamed of is what has happened in regards to this pagentry because it was through me working with other people a few years ago that we got these two franchises, having to put our country in the international scene as we have tried to do during this administration, and it really does not speak good for what has happened about this in the last few months and I do intend to propose to this Government this year will get a committee, something along the lines of what we have done with Pirates Week and Government spear-head this project. There is no reason we should not do it if the private sector cannot handle it better than I think the fools that are in Government, who cannot do anything, will try to do their best.

Mr. President, as come to a close, more or less of this debate. There are only a few Members left and it is about time I sat down, but before I do I would like to extend to all Members of this House, my friends and in particularly my enemies, greetings for Christmas and the New Year. Thank you.

HON. THADEUS M. BOLDEN: Mr. President, I would like to offer my congratulations to the Honourable Financial Secretary for the able Budget very competently put together, very effective and very factual and more than anything else, very good from a financial stand- point.

I also wish for him in future years, as this is his first budget this year, every success and if his success continues as it did with this Budget, which I am sure it will, then I feel that he will be able to be justly proud of the Budget session in the future.

I would like also to offer to generally, the Honourable Members of this House, the Clerk and her staff and the Members' respective spouses, all the best for Christmas and the future generally.

Mr. President, I have only a few areas within my own portfolio that have been touched on. I think this debate and debates in the past few years show very clearly that the portfolio, at least in relation to education, has reached a point where constructive criticism has diminished to where it is nearly non-existant. There can always be a lot more done in the portfolio and in anything that relates to it, but at this stage, I believe that education has begun to mature. It is reaching a stage where it is possible to see that maturity and I believe that maturity will continue in the next few years.

For the first time in many years there are positive policies and directives in relation to it and education has now become a known and a certain entity.

HON. TRUMAN M. BODDEN (CONTINUING): There has been some criticism in relation to the hospital and, while perhaps this is fair and constructive, a lot of progress has been made there in social services, which very little was touched on. The scope is so wide and the field of it is so extensive and complex, that I can only undertake, as time goes on, to begin the implementation of areas which, up until it became my portfolio some years ago, were non-existant, such as the struggle against drugs and alcoholism and other mental illnesses within the Islands.

In relation to Pirates Week, I can only say that there is a well-known saying that a rose by any other name is just as sweet a rose, and I think that sums up the position there. It is what it in fact is, not what it is called, or what others would like it to be called.

One area that I feel should be dealt with is the area of enforcement within the immigration department. I believe that the time has come when there should be set up either a department or a specialised part of the Immigration Department to deal with the keeping of accurate records, the checking on over-stayers and persons who breach the immigration laws, and that this should be dealt with urgently. I believe that the burden , and the very heavy burden, placed upon the Police in this country to endeavour to deal with crime as a whole, could be considerably lightened if we had accurate statistics, accurate information and a competent enforcement agency within the immigration.

I do not think that it is good enough at this stage, after hearing promises for many years, to accept that some areas of records within immigration, relating to over-stayers and their inability at times to fully state who are in this country illegally, is good enough. Sometime ago, the then Financial Secretary, I think in about 1978 or 1979 purchased a Burrowes 880 computer, which was some or three or four years later completely or substantially useless, and that, at that stage, was given as the answer to statistics in immigration. We have another computer again, but without records to feed into that computer, we have an absolute waste of a very expensive machine. And what I would like to see, and whatever is needed in Immigration to do so, whether it is staff, or whether it is equipment, whether it is more expertise, that there be set up an efficient enforcement agency within it and I believe that you will find that crime within the Islandswill considerably reduce if we know who is in the Islands who are over-staying and there are proper records on them.

You get good and bad in every country, whether it is our Islands here or abroad and to have people within our country that we do not know, we cannot identify, we do not even know if they are here, is, in my opinion, a slightly disastrous situation.

I know the Immigration has a difficult task, but so does everyone, and after 4 years of listening to how this is going to be dealt with, I think the time has now come for something effective to be done. I would like to make it abundantly clear that the Chief Secretary, the First Official Member of this House, has, I believe, done everything within his power, and I am satisfied that he has so done to endeavour to correct this problem, but the fact remains that it is an uncorrectal problem, and I assure him of the assistance and support in whatever he puts forward to deal with this.

Moving to Cayman Airways: Mr.President, that is an airlineswhere everyone wants to have it, everyone wants to have good equipment, good jets, but no one wants to pay for it. That is illogical; I think it is hypocritical and there is no good of taking the dog-in-the-manger-stand on it, either you come outright and you say that we do not want an airlineand you put this country in jeopardy

HON. TRUMAN M. BODDEN (CONTINUING): of, in my opinion, complete destruction of its economy in the event of a recession, or you come out and you stand by it. There is no place in this issue, there is no place in this country to sit on the fence. You either progress, because if you stand still, you are going backwards - there is no place, as I see it now, to say we want 2 jets but we are not going to pay for them. The days of receiving $20M worth of jets for nothing are over. I think that it is crucial to this economy that we have an airline. I also believe that that airline and the criticism in this area, if it is constructive then I fully agree with it, must be economically run, but I do not believe that you are ever going to get to a situation where you have a perfect entity - it does not exist in this world. We are not perfect and for you to endeavour to impose standards which seek towards a theoretical perfection, has got to be nonsense in the airline business.

Accounts, I agree: we must have them, we should have them in early stages, and the situation that we have is like many other areas of the economy that have to be subsidised, we have a choice here as well. If you want the airline then this country must subsidise it. If it is important to you, you must pay for it. It would be good if it could be operated on a totally economic basis, but you show me anything within Government that you can really say is completely self-supporting, which has with it the built-in pitfalls of an industry which has never been a successful economic or financial industry in the world. So you have a choice - you either are going to accept that the airline is needed, it is important to the economy, and you are going to pay for it even if you criticise and balk at it, or you are going to say we do not need it, and I believe that anyone in this House who can stand and say the airline is not crucial to the economy of this country is not representing the people of this country.

The criticism in relation to dealing with the air routes and the turtle farm in Washington has, I think by now, reached a very harsh and realistic truth. I know that it was Harry S Truman who said that I never did give anybody hell, I just told the truth and they thought it was hell, and the truth is the one reality that you cannot get away from - that has been successful, whether you like it or the public likes it or they do not, but it has been complex, and if you believe that the business of this Government is simple at this stage, then I think at some stage in the future you should take and begin wading through hundreds of pages of complex documents and position papers which have to be analysed and have to be put in a position that you are dealing with people who are the cream of the crop intellectually in the United States. It is not simple and if you believe it is then the day you are faced with it you are going to realise what I am telling you. None of us are perfect; I have endeavoured to do as much as I can in relation to these two issues and believe me I have had more mental agony in relation to how to put position papers on some of these issues, along with my colleagues, than I have had in anything else that I have ever done in the past two decades that I have been in practice in law. And you must take it against that background.

There has been criticism in relation to the Police: I have spent, in my early days in practice, nearly 3 or 4 years in which I prosecuted and the burden that is placed on a Constable to make a decision, for example, in relation to whether to arrest a person or not is, in my opinion, one of the most burdensome decisions, and one of the most onerous burdens that you can find. I have spent in analysing cases many times day after day trying to make a decision whether the decision that that policeman had to make in a matter of a minute , sometimes seconds, is right, and their errors have to be looked at in the light of the fact that you are dealing with one of the most complex and most risky areas that exist - they have to literally be a lawyer and make a

HON. TRUMAN M. BODDEN (CONTINUING): split-second decision which lawyers do not, most of the time, have to make.

Along with this, problems have arisen because while it is a force of what appears to be large numbers, in relation to other countries, you must add on to 200,000 tourists who come through this country. It is far simpler to deal with people in a country, where there are records, where the people are know, than when you are dealing with 200,000 unknown entities, and that precisely is what is happening. In the event of a burglary one has to literally decide and endeavour to find out who, as tourists or otherwise are in the country, and you have nothing on them. I believe that if Immigration can get to a stage of certainty on their statistics in relation to who is here at any one time, then our crime is going to reduce, but it is problem. If a burglary is committed, by somebody not in this country, then you are really just looking for people who you do not know their habits, you do not know their propensities and it makes the task nearly impossible.

There is an old Chinese saying which was said by a deceased cousin of mine, which I came across when I was Coroner, and it says that you should never judge a person until you have walked 20 chains in his boots, and that is correct. I think constructive criticism has to be applied, taking into consideration the circumstances. There has been success in many areas with a young Police force, and believe me, it is green in many areas, and it is going to take time before there is maturity of it. You cannot expect a constable of 1 year or 2 years to make a decision, whether he can defend, by the use of force, or whether he should not, whether he should use a weapon, not use a weapon and get it right all the time. A lawyer cannot make that decision; many times even judges put on that spur-of-the-moment-decision, will make an error and I think that matters relating to the complexity of evidence in courts here and the loss of some cases have to be looked at in the light of that.

I am satisfied, and perhaps I have a tendency to appreciate the difficulties of law enforcement more than perhaps other Members of the public, but they have my sympathy when it comes to applying what many times this Assembly finds difficult to either draft or understand the complexities of the penal code.

The main thrust of this session has been in relation to the budget. It was Rebecca West who said "the trouble about man is two-fold; he cannot learn truths which are too complicated; he forgets truths which are too simple". The truth of our position at present is over-bearing. I am going to give you some comparative figures and you look at the truth of that and then say honestly to yourself - "What area is there for criticism of the present budget?"

In 1972 the estimates showed a surplus in the budget of $118,000. In 1976 which is the year that the Honourable Third Elected Member from West Bay said that the foundation was all in place for the economy, there was a deficit of $118,070. In 1983 we are showing a surplus of $18,652. But let us look a bit further: In 1972 there were reserves of $856,000; in the golden year 1976 there was none. The reserves of this country had been completely depleted. In 1983 the estimate is twelve and a half million ($12 1/2M): these are truths, these are facts. More alarming is one of the things that was pointed out by the Financial Secretary, or rather more revealing than alarming, because it is the truth, in 1972 the estimated local revenue was $1.6M, in 1976 it was $11.0M and in this year it is $48.8M. This has got to be progress.

HON. TRUMAN M. BODDEN (CONTINUING): The capital taken from local revenue in 1972 was $981,000; in 1976 it was $1,095,000; in fact it was literally the same as it was in 1972; this year it is $11M. Perhaps the most revealing is the public debt of this country. In 1972 it was $1.8M; in the golden year of 1976 it had increased to $4,43M and the public debt this year is estimated to be about $9.5M. Just look at it!

The Government between 1972 and 1976 increased the public debt to the extent that it is now and let us look at some percentages that will show the difference between what we have now and what it was in the golden year. The percentage of the revenue that the public debt was in 1972 was 25 ; in 1976 it had risen to 62%; the public debt equalled more than one half of the revenue that they estimated would be collected in 1976. This year it is 16% and substantially the same that it was in 1976. If you add reserves to those figures in 1972 it was approximately 33%; in 1976 there was no general reserve, so it was 62% and in 1977 it would have been 12%. So these are truths, these are facts and if at this stage that is not grasped because it is too complex or it is forgotten because it is too simple, then that is sad.

While this runs perhaps contrary to what I have just said, I have done it as a comparison but there is a saying that people who live in the past rape the future and if you are going back to the past, then you must look at the factual situation. Beaconsfield once said " that there can be no economy where there is no efficiency". Obviously that did not exist in 1976. If there is an attempt to attack the budget this year, or the budget in past years, then I think that anyone thinking it who had been involved in the budgets prior to 1976 would have to have their tongue in their cheek.

The solvency from a cash point of view at this stage is very obvious, we have $12M in reserves, we owe 68M, but look at the situation in 1976. They had a public debt of $7M, they had no reserves to cover it. The country was into a cash bankruptcy. This is a hard fact and it is the truth. The loans that made up that $7M public debt the majority of the larger loans and the substantial part of those loans came due after 1976; the consortium loan of $3.5M began payment in 1977 and so did the $2.68M for the port loan. So at this stage I find it very difficult to see how the truth can be confused with propaganda as to its true position.

You know, there is a saying and while it relates to newspapers, it was said in relation to them, I think it has to apply to all aspects of life. It was Herbert Swope who said "the first duty of a newspaper is to be accurate; if it be accurate it follows that it is fair", and I think that is the rule that we should apply generally.

There is also a quotation, running amiss to it of Adolph Hitler: he said "Propaganda must not serve the truth especially insofar as it might bring out something favourable to the opponent", and believe me, propaganda was one of the bases of Hitler's Germany. What I am saying basically is that the public I think has to be cautious to sort out the truth from propaganda and it is the duty of Members and the public and the press generally to ensure that what goes out to the public is the truth, because many times it is difficult for them to find out facts which may be peculiar the Government or to any agencies or departments of it.

I would hope that all Members within this Assembly would look at this Budget and the economy of this country with pride, because to take the approach that one's duty is to constantly criticise is, in my opinion, or would be in my opinion, a destructive approach.

HON. TRUMAN M. BODDEN(CONTINUING): It was Sir Winston Churchill who said, and I close with this - "an optimist sees an opportunity in every calamity; a pessimist sees a calamity in every opportunity", and I am asking that the approach here be that of optimism, because hard, realistic facts have been put forward by the Financial Secretary and that all Members of this House take pride in the fact that this country is in a good financial standing, a sound financial position and, in fact, it is in a privileged position in the world economies. Thank you.

MR. PRESIDENT: My understanding is that there are one or two Members who would find it convenient if we were to take our lunch-time break a little early today, so I think perhaps we might suspend proceedings at this stage.

HON. D.H. FOSTER: Mr. President, I was just going to say, Sir, I intended to speak and I could finish by 12.30, but if Members want...

MR. PRESIDENT: I think some Members want to get away at 12.15 I do not know whether we could resume at 2.15 or whether that cause people difficulty. Would anyone find it difficult to resume at 2.15? Well, let us do that, I think that perhaps would be more convenient to Members today.

We will suspend proceeding now until 2.15.

SUSPENSION

THE HOUSE WAS SUSPENDED AT 12.15 UNTIL 2.15 P.M.

HOUSE RESUMED AT 2.17 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The debate on the Appropriation (1963) Bill, 1962, Second Reading continued. The First Official Member.

HON. D.H. FOSTER: Mr. President, I had not intended to speak but certain things have come out in the debate on which I would like to comment.

Before so doing, I would like to join my colleagues in complimenting the Honourable Financial Secretary on the able way in which he delivered the Budget Address.

Mr. President, I work next door to this gentleman, I know how hard he and his staff have worked to put together this Budget, and I would say to him that it is a job well done.

I am not going to go into details in the Budget Address itself, Sir, but just skip around to those few points and try to clarify them and throw some light on them, because the budget is a good one, one that we can be proud of and one that we should be thankful we have to live with.

Mention was made, Sir, about the landing place at Little Cayman and I am glad to say that negotiations are now in progress on the lease agreement and we have $115,000 in the estimates next year. Hopefully we can tackle this early in the coming year.

The Members from the Brac feel a little bit unhappy about the road allocation and I think they are quite able to sort out the priorities regarding the roads there and allocate the money whichever way they wish.

Mention was also made about the stationery on which press releases come out and this is quite co-incidental because a Member spoke on it yesterday morning and yesterday midday on my desk was a mock-up of the stationery for the information service, so this will be printed very shortly and we will be using it. Quite co-incidental, I am sure; there was not time after they heard what the Member said to do this, so it was in the making.

Mention was also made of a boat being used by the Special Constabulary. Mr. President, this is a boat that was forfeited to the Crown and is Crown property and remains that way. It is being used by Special Constables who are marine-minded and can assist us in various ways at odd times of the day and night. I see nothing wrong with it; at first the boat was thought to be a suitable one for the Brac but it proved unsuitable and so many alterations would have to be done to it, it was not worth it.

I would like to thank the First Elected Member from West Bay on his kind remarks about the Brac. I, too, Mr. President, am very proud of the state of affairs and conditions of our two little smaller islands. Things look pretty good up there.

I would like now, Sir, to dwell for a few minutes on the Immigration Department. Many people confuse Cayman status with nationality, similarly I think a lot of people are confusing Immigration Department with the Caymanian Protection Board. Immigration have their work to do and the Board have their job to do, but the Immigration Department gets all the blame.

I need not rehearse the duties of the Protection Board, everybody is well acquainted with those and I feel some of the blame, in certain instances, can be thrown at the Immigration Department, but it must be borne equally with the Board.

I am glad to say, Mr. President, that the computer is already hooked up and is doing trial runs now; the terminals - the Immigration Department and if the terminals are not already at the airport they will be in a few days and they are

HON. D. H. FOSTER (CONTINUING): going to run a month-to-month check, one month against the other, but I am sure when the Honourable Financial Secretary is winding up he can go into more details because he is more acquainted with it than I am, and this should be well on its way before the end of the year, and in operation before the end of the year.

These programmes are long and complicated and it takes experts to do it, which we have.

Mention was made on the enforcement; here again, at present in the process, an enforcement officer as a deputy Chief Immigration Officer is being appointed, he has been selected and the appointment should be within the next week or two, but nevertheless enforcement does go on. In August 32 breaches of the law, mainly over-stayers, were dealt with, bringing the total for the last three months to 261, that is two months prior to August, and I may explain that when they bring these people before the courts, they are over-stayers for 30 days and over. Anything from 1 day up to 30 days they are sent out without being taken to court.

September, 26 were dealt with. October 70 breaches of the law were dealt with and of these 48 were taken to Court, the remainder were assisted in departing from the territory. So enforcement is going on, not in full force as I would like to see it, but it is going on and, as I said earlier, an officer in charge of this will be appointed I would say within the next two weeks.

Immigration is a service department, not like many of the other departments, but their work never stays at one level or gets less, it is always increasing as more people come in and go out. You will never find that we can maintain the same staff for any one year, there has always got to be a small increase somewhere along the line so that shifts can be worked; there is the airport and the dock every week, everytime the airlines increase the number of flights, this means more work for the immigration department. Some flights come in late hours at night, shifts are organised and so on - it is not an easy department.

Mr. President, the Police Department: a couple of years ago we met informally with all the Members, the Commissioner of Police was there; I requested that they keep off his back and give him chance to do certain things, which he promised at that time. All those promises have been fulfilled and the force is working hard. I compliment them on the good work they have been doing; we are right on top in most cases, on the drug situation, in some of those cases we are ahead of them.

I feel that the force needs the full support and backing, not only of the Members of this House, but of the public. If we do not, we will destroy what we have built up; we must seek not to tear down what we have worked so hard to build up. As the Islands grow and get more sophisticated, the work is going to increase there as well. When people here think about the police, they just think about George Town. We have to staff all the districts, the outer islands, everywhere.

We have in the force some highly qualified people in very responsible jobs, but if we start to tear them down they are not going to stay with us, they do not have to, and therefore I urge the Members of this House to support the Commissioner and the Police force and I think at the end of the day we will be very proud of what we have built up.

Not very much mention was made of Radio Cayman - there again think we are doing a fairly good job - at least it is paying its way and it not a burden on the Government any longer. I know that we fight very hard to see that the right

HON. D. H. FOSTER (CONTINUING): things are put on the Radio and in the correct manner, not always do we succeed but I think Members and the public can close their eyes to a few of these little things sometime.

Mr.President, in closing, I think we have had a good year, we have been able to put back into circulation a lot of money that the Government has earned and we have put it in most cases where it should be. We have a lot to be grateful for. Next year does not look as rosy and I think we must watch our expenditure and get our priorities right. Later during next year we might see where we have done better than we expected and we can perhaps tackle projects that have been left off in the present budget.

Mr.President, I think this country has probably the greatest future in front of it and it needs only careful handling. I think this Assembly consists of the people who can do it, and as one Member urged this morning for us all to work together, I would support that and ask everybody this coming year let us work hard together and we will be proud of our achievements. Thank you, Sir.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak, I would invite the mover of the motion to reply.

HON. T. C. JEFFERSON: Mr.President, I thank all Honourable Members for their kind words on the Budget Address and the delivery thereof.

I believe the main ingredients for success during the eighties is prudence in spending. Government must ensure that value is received for funds dispersed; Government equipment and materials are properly controlled and accounted for; Civil Servants are performing for salaries received.

Mr.President, the Cayman Islands Civil Service is, in my view, equal to any Civil Service in the world. It is, however, disappointing for the service to be judged by a minority who are not performing well. If we take a look around, even within a family, there is the strong and the weak. How would anyone expect not to find a few in the service as well. There are, perhaps from a lack of training, some who tend to spend a great deal of time trying to determine how much more they can receive from Government and others whose only consideration is what Government can do for them.

I offer a challenge to the service to dedicate ourselves to serving the public courteously and efficiently. Any Civil Servant, Mr.President, who performs in this manner, will have my full support.

Mr.President, some comments made on the 1983 Draft Estimates need clarification and I apologise to the First and Second Elected Members from Cayman Brac and Little Cayman for the non-specificness of the explanatory notes in some cases which caused them some concern.

The total capital expenditure allocated for 1983 is 16.9% of the funds derived from local revenue and this percentage also excludes the half million dollar loan to be provided for the Gerrard-Smith airport.

Mr.President, I agree with the comments of some Members who said Caymanians must live up to their obligations to their parents and should not expect Government to provide poor relief or pay the cost of their parents residing in the Pines when it is opened and then first to transfer all of the property, etc. to the children.

This is unfair to Government, however, bona fide cases needing Government assistance should be given favourable consideration.

HON.T.C.JEFFERSON (CONTINUING): Mr.President, Government and the private sector should work collectively to improve tourism facilities in these Islands, as the Cayman Islands are competing with other countries in the area, such as Jamaica, Bahama and Bermuda. Therefore, we are competing not only in price but also in the standard of the facilities and services provided.

The computarization of the Immigration Department is on schedule and due to be officially established on the 1st of January, 1983. All preparatory work is in hand. Terminals are installed at the headquarters and the computer programme is presently being de-bugged and 1st December will go live in order to compare computer results with figures manually derived. Wiring is now being finalised at the airport where terminals will also be installed.

Mr.President, let me join in wishing you and your family a happy and joyous Christmas season and to extend this wish to all Honourable Members, their families, the Clerk and staff of the Legislative Assembly. Thank you, Mr.President.

MR.PRESIDENT: The motion before the House is that the bill entitled The Appropriation (1983) Bill, 1982 be given a second reading. Will those in favour say Aye, those against, no, the ayes have it.

STANDING ORDER 68 (3) THE BILL WAS COMMITTED TO THE FINANCE COMMITTEE.

THE OATHS (AMENDMENT) BILL, 1982

CLERK: The Oaths (Amendment) Bill, 1982

FIRST READING

MR.PRESIDENT: A bill entitled the Oaths (Amendment) Bill, 1982 is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Oaths (Amendment) Bill, 1982

HON.J.MICHAEL BRADLEY: Mr.Preeident, Sir, I beg to move that a bill shortly entitled the Oaths (Amendment) Law, 1978 be read a second time.

Mr.President, Sir, from time to time as Attorney-General I bring before this Honourable House matters which relate to the laws which I hope are not controversial but which are, in my opinion and in the opinion of the Government in need of amending so that with the working of Government or the administration of the law may be done in a smoother manner.

The bill at present before the House, Mr. President, Sir, is a short bill, it is only 3 clauses long of which one is the short title and one is a formal amendent, but nevertheless I think, short though it is,it relates to an important matter.

Mr.President, Sir, under the Cayman Islands Constitution Order, 1972, while that constitution stipulates under section 1 sub-section (3) and section 3 sub-section (2) that before entering upon or assuming the functions of the office of Governor a Governor, or acting Governor, shall make the oaths set out in the Schedule to the Constitution. It does not provide that the oaths be taken before any particular person or authority. However,Sir, the Oaths Law, Chapter 113, at section 11 as it is read with the First Schedule, and the first part of the schedule to that law, expressly provides that the Governor take his oath before Executive Council.

To go back, Sir, to the Constitution, section 13 of the Constitution provides that Executive Council shall not be

HON. J. MICHAEL BRADLEY (CONTINUING): summoned except by the authority of the Governor and further provides that no business shall be transacted unless there are at least 4 Members of Executive Council present besides the Governor.

So, Sir, it is necessary for the Governor or Acting Governor to be sworn in before an Executive Council, at a meeting called by the Governor or Acting Governor, circumstances could arise where it would be difficult, Sir, or in certain circumstances it might even be impossible for a Governor to call a meeting and summon Executive Council or Executive Council might not be able to meet timously. In my opinion, the provision in the Oaths Law requiring that the oath of the Governor or the Acting Governor be taken before the Executive Council is unnecessarily onerous and the purpose of this Bill before the House is to amend the Oaths Law so as to provide that such oaths of office and due allegiance may be taken before the Chief Justice. This, Sir, will enable an acting appointment, which is what I am chiefly concerned with, to be made at very short notice.

It is not intended, Sir, in my understanding, that there be any change in the procedure when a person comes to these Islands to take up the post of Governor, as you, Mr. President, Sir, did at the beginning of this year. It is my understanding that it is the hope and wish of Government that that oath of office and oath of due allegiance on first appointment be taken by your successor, Sir, with all the ceremony to which the dignity of your office accords it. This Bill, Sir, is a brief one to make sure that there is no interval of time on occasions when it is necessary to make a speedy acting appointment.

Sir, with these words, I commend this bill to the Honourable House.

MR. PRESIDENT: Does any Honourable Member wish to speak? I will put the question that a bill entitled a Bill for a Law to amend the Oaths Law be given a second reading. Will those in favour please say aye, those against no, the ayes have it.

THE TRAFFIC (AMENDMENT) BILL, 1982

FIRST READING

CLERK: The Traffic (Amendment) Bill, 1982

SUSPENSION OF STANDING ORDER 46 (2), (3) and (4)

HON. G. HAIG BODDEN: Mr. President, I beg to move under Standing Order 82 that Standing Order 46 (2), (3) and (4) be suspended in order that we may deal with a bill entitled A Law to amend the Traffic Law (Law 16 of 1973) as this bill has not been printed.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 82 we suspend the provisions of Standing Order 46 (2), (3), and (4) in order to enable the Second reading of the Traffic (Amendment) Bill, 1982.

Does any Honourable Member wish to speak to that motion? Will those in favour say aye, those against no, the ayes have it. I declare the motion carried, the effect of which is that the Traffic (Amendment) Bill, 1982 may be read a second time or that debate on it may now take place.

SECOND READING

CLERK: The Traffic (Amendment) Bill, 1982.

HON. G. HAIG BODDEN: Mr. President, I move the second reading of a bill entitled a Law to Amend the Traffic Law, Law 16 of 1973.

The reasons for the amendment are to allow for the making of regulations in order to implement the use of traffic lights and other signals in order to control traffic and to allow for the use of vehicles or to prohibit the use in more than one direction on specified roads. It is my understanding that although we have operated a one-way system for many years there is no special provision in the law to make regulations for one-way streets and whatever regulations there are have probably been made under the general power to make regulations in the law. So this amendment will tidy up the use of one-way streets.

The amendment to allow for the use of traffic signals is necessary because it is intended that traffic signals will be put in at certain intersections. It is hoped that the first one will be installed at the intersection of Sheldon Road and Harbour Drive. This light is necessary because that part of Sheldon Road which now exists as a one-way street going eastward will be turned around so that the traffic will travel only in a westwardly direction. If traffic travels to the intersection at Harbour Drive and Sheldon Road you will find that the corner is almost blind and not easily negotiable or it will not be easy for large vehicles to come out of Sheldon Road safely. This light will be the first of others that are planned for some of the busy intersections.

I apologize for the bill having not been gazetted, although I believe it has gone out. The typed copy has been circulated to Members in time and I seek their support for it.

MR. PRESIDENT: The motion is that a bill entitled a Bill for a Law to Amend the Traffic Law be given a second reading. The motion is open for debate.

MR. CHARLOCK SEALEY: Just a few brief comments on this proposed amendment. This is not the first time that a one-way system is being introduced or re-introduced in some areas, in the George Town area, but if my memory serves me right, Sir, this is the first time that an amendment to the Traffic Law is being brought here to support his. In other words, the other time that one-way traffic went into effect, it was brought into effect illegally then, as far as I am concerned. Yet if they found the motorists driving they would be prosecuted. On what grounds would they be prosecuted, because there was no law or provision declaring any way a one-way. Yet the offender, more or less, would be convicted, fined, disqualified probably, simply illegally.

When I said something yesterday it hit some nerve but these are the things that I am pointing out when you pay people to do a job, they are not doing it, Sir. Thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Does the mover wish to exercise his right to reply?

HON. G. HAIG BODDEN: Mr. President, I agree in part with what the Member who spoke on the bill has said, but it is my understanding that there is a general power in the Traffic Law to make regulations, section 77 of the Law deals with this and in that section, section (h) says that the Governor may make regulations governing any other matters required to be prescribed by this part, so that there seems to have been a general section under which regulations could have been made, yet in that same section 77 it spells out in detail certain areas for which regulations shall be made So that the regulations made prior to this for one-way streets, would in

HON.G.HAIG BODDEN (CONTINUING): effect have been legal, because they were made under the general section of the law. However, the new Attorney-General feels that to make it abundantly clear it should be necessary to spell out that the Governor in Council has the right to make regulations governing one-way streets, and in that way it could never be challenged in court.

The traffic light is the same thing there is a traffic light now at the airport and the regulations governing that had also been made under the general section. Now the law will have a specific section that spells out clearly that it is alright for the Governor to make regulations governing these matters. We thought this would be a good time to do it as the change over is planned for Monday the 13th of December. There had been some delay, I understand in the bank, setting up the letter of credit for the purchase of the light, but we have been assured this is now in place and the change-over should be done next month.

MR. PRESIDENT: The motion is that a bill entitled the Traffic (Amendment) Bill, 1982 be given a second reading. Will those in favour please say aye, those against no, The ayes have it.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1982

FIRST READING

CLERK: The Legal Practitioners (Amendment) Bill, 1982.

MR. PRESIDENT: A bill entitled a bill for a Law to amend the Legal Practitioners Law, 1969 is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Legal Practitioners (Amendment) Bill, 1982

HON.J.MICHAEL BRADLEY: Mr. President, Sir, I beg to move that a bill shortly entitled the Legal Practitioners (Amendment) Law 1982 be read a second time.

Mr.President, Sir, the responsibility and carriage of this Bill comes under my Chambers responsibility for legal administration and briefly, the amending Bill can be summarised as dealing with legal practitioners of three kinds. Those coming, those here and those going.

You all know, I hope, Mr.President, the Members all know the history of the formulation of the law relating to Legal Practioners in these Islands that the original law was drafted and passed by this Honourable Assembly in 1972 and at that time in 1972 it was provided that a person should not be entitled to be enrolled as an Attorney-at-Law of the Cayman Islands who was not a person possessing Caymanian status unless he or she had obtained approval of the Governor in Council.

In 1979 there was a substantial amendment made to that law in that there was a provision inserted into it by an amending law setting up a Legal Advisory Council and providing for that legal Advisory Council to adopt the machinery for the establishment and working of our own Cayman Islands Law School. This, Sir, is now an accomplished fact and I am proud, as I am sure Honourable Members are, that we have, within these Islands a system whereby we can train qualified legal practitioners to as high a standard as can be obtained anywhere

HON. J. MICHAEL BRADLEY (CONTINUING): in the world. However, Mr. President, Sir, and this is where I come to the first of my three categories, those coming. There is a provision in the regulations which relate to law students which provides that no person may be enrolled as a student who does not have Caymanian status unless he or she obtains the permission of the Governor in Council. This is a prudent provision - no person without Caymanian status has enrolled this year but it may be that in future years a person may wish to enroll and the Governor in Council may think that is a suitable person to be enrolled and to become an Attorney-at-Law.

The first operative section, clause 2 of this amending Law before this Honourable House seeks to remove the risk that a person could seek and obtain that permission to be enrolled, could spend 5 years of their life studying, passing the examination and then find at the end that they have again to apply to the Governor in Council before they are enrolled as a Legal Practitioner under the 1972 Law. This amendment seeks to provide that the condition for being placed on the roll of Legal Practitioners in these Islands, of getting the permission of the Governor in Council, if you do not have status, shall not apply to a person who 5 or more years previously, has obtained permission to be enrolled as a student, who has passed the examinations and who now seeks to exercise the learnings that he has acquired.

I commend, Mr. President, Sir, that portion of the Bill to Honourable Members.

The second matter dealt with in this bill I described as those people that are here. At present, under the principal law, once an attorney-at-law has been enrolled, he may continue to have his name on the Court Roll and may continue to take out an annual practising certificate, despite the fact that he may be of non-Caymanian status and no longer working, employed or even resident in the Cayman Islands. I do not consider desirable, Sir, that a person who has severed their ties with these Islands, who is not living here, who is not working here, who is not entitled to work here, should, in other jurisdictions, be able to hold themselves out as the holder of a practising certificate of the Grand Court in these Islands.

It is for that reason, Sir, that the Bill at clause 3 seeks to provide that the annual practising certificate that every Attorney-at-Law obtains at the beginning of the year may, in the case of persons without status, only be issued to them if they produce a gainful occupation licence and an affidavit that they intend to reside within the Islands for the entire period in respect of which the practising certificate is sought.

At this stage, I may add, Mr. President, Sir, that it has been brought quite properly to my attention that circumstances could arise whereby a gainful occupation licence did not extend for the whole of the calendar year and that the person who had a gainful occupation licence until October, could not make an affidavit that he intended to reside within the Islands for the entire period, because his work permit may not be for that long. I propose to make a minor technical amendment at committee stage to clarify that position.

The third category, those going, in fact, more correctly, Mr. President, Sir, those gone, is dealt with in clause 4 of the bill. At present, a person once enrolled upon the roll under the Legal Practitioners act which is retained in the Court, is enrolled for life. There have been, Sir, several incidents, I believe, where persons who worked here and were enrolled and got permission to practise here for a short period of time, in other jurisdictions, still correctly hold themselves out as being upon the roll of the Attorneys-at-Law of the Cayman Islands.

HON. J. MICHAEL BRADLEY: It is intended , by clause 4 of this bill before the Honourable Members, that the Clerk shall strike off the Court Roll the name of any Attorney-at-Law, other than a person who possesses Caymanian status, who has not, at any time during the previous two years, been in possession of an annual practising certificate. That, Sir, I think is a long enough period to cover contingencies where a person without status ceases to have practising certificate for family, economic or other reasons, goes away but intends to come back. The name remains upon the roll for the full two years, it is only thereafter.

It also covers the case where a person obtains status within that time because then the provisions no longer apply to them.

As I said, Mr.President, Sir, this again is a short bill. I consider, however, it is an important bill and I would commend it, with its three salient features, to Honourable Members. Thank you.

MR. PRESIDENT: The motion is that a bill entitled a Bill for a Law to Amend the Legal Practitioners Law, 1969 be given a second reading. The motion is open for debate.

MR. BENSON O. BANKS: Mr. President, I must first admit that at this point I am a bit at sea with this bill because I ought to obtain a copy of the original bill with all the amendments and after hearing the introduction of the bill I am wondering whether I am in fact short of an amendment or whether it was a mis-statement on his part. I notice that he quoted, for example, the date of the original bill as 1970, I think the original bill is dated 1969 and an amendment in 1972. And where I am at sea, he referred to an amendment in 1979. I am afraid I did not get that amendment, but I do not think that alters too much the clause that gives me concern. Because I have no serious problem with clause 2 in the bill, that is the one which seeks to make provision for the person qualifying at the local Cayman Islands Law School.

I am encouraged to hear that there is a proposed amendment to come forward in committee stage to section 3, because I did have some concern about this section along the lines which the mover indicated himself.

However, there are still further concerns with this clause in my mind, and as I see it the question of a gainful occupation permit is being introduced for the first time, and I do not think this is made clear in the Memorandum of Objects and Reasons of the bill, but nevertheless this is a fact. This is the first time that the question of gainful occupation licence is being raised for Attorneys-at-Law. Previous to this the Governor in Council gave the permission, or agreed to it, unless that was introduced in the 1979 amendment, I am not sure. But in any event, my understanding of the Caymanian Protection Law is that there is provision for appeals against a refusal for the grant of a gainful occupation licence, and with these permits being on an annual basis, not the work permit but the practising certificate being on an annual basis, I am wondering whether some hardship could not be experienced by an applicant who had made an appeal, since there is no provision for him to continue to work, if it is in the case of a renewal , while the appeal was being heard. Similar to the fact that he could not swear the affidavit that he was going to be here all year if his permit was going to run out in October, and I am hoping that we will see this point and probably come up with some amendment in the committee stage to cover the point.

I support the intention of the bill, but I see some problems with its administration and implementation. It might very well be that the proposed technical amendment would cover

MR. BENSON O. EBANKS (CONTINUING): both on most of my fears, and with those comments, Mr. President, I support the bill. I have no problem with clause 4, I agree if someone leaves the territory ostensibly not to return, well then there is no reason why he should be on the roll and if he wants to come back I guess he would have to go through the same procedure again. So I have no probem with that, Mr. President, and with those few words I support the bill and look forward to the proposed amendment to section 3 in the committee stage.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Does the mover of the bill wish to reply?

HON. J. MICHAEL BRADLEY: Thank you. Very briefly, Mr. President, Sir. I have taken note of the constructive criticism made by the Honourable Member who spoke concerning this bill, and thinking very quickly at the moment, I think that perhaps his fears may be allayed if we can work out an amendment which incorporates a phrase like "or has applied for a gainful occupation licence and has not yet been refused" or something along those lines, but I think in committee stage, if Honourable Members feel it needs a little more expansion, I shall be happy to do so. With that, I commend the bill to Honourable Members.

MR. PRESIDENT: The motion is that a bill entitled a Bill for a Law to Amend the Legal Practitioners Law, 1968 be given a second reading. Will those in favour please say aye, those against no. The ayes have it.

THE NOTARIES PUBLIC BILL, 1982

FIRST READING

CLERK: The Notaries Public Bill, 1982

MR. PRESIDENT: A bill entitled a bill for a law to repeal and replace the Notaries Public Law is deemed to have been read a first time and is set down for second reading.

CLERK The Notaries Public Bill, 1982.

SECOND READING

HON. J. MICHAEL BRADLEY: Mr. President, Sir, I her to move that a bill shortly entitled the Notaries Public Law, 1982 be read a second time.

Mr. President, Sir, the present law in the Islands which governs the appointment and operation of Notaries Public is the Notaries Public Law, Cap. 110 which was assented to on the 30th of March, 1999. That, Sir, is a very short bill of only 8 sections and provides in a very simple manner for the appointment and swearing in of Notaries Public and for the penalties for offences by them and their fees. It is, Sir, in my opinion, inadequate, insufficient and outmoded for the present scale of commercial activity in these Islands and in view of that we have this bill that is presently before this Honourable Assembly.

Mr. President, Sir, in other jurisdictions the appointment to the office of Notary Public is one which is almost entirely conferred upon practising lawyers who are also Commissioners of Oaths.

We have, Sir, in the Cayman Islands a scale of commercial activity which has led to the necessity of appointing

HON. J. MICHAEL BRADLEY: as Notaries Public persons other than those holding legal qualifications.

In view of that, and in view of the outdated law, it was thought fit and proper to bring in a comprehensive measure which would spell out in detail the manner of application to become a Notary Public, the register upon which Notaries Public are entered once they are appointed as such, the certificates which they are given so that they can be seen by the public to be a Notary Public, the payment of an annual fee by such Notary Public, disciplinary proceedings that can be taken against them if they are guilty of misconduct in their high office, and the book upon which they enter a brief record of each notorial act that they perform.

It is proposed, Sir, in this bill that in order to become a Notary Public, the first step taken is for the person to apply, in writing to the Attorney-General in the form which is set out in the First Schedule.

Once a person has made such an application it is then up to the Governor in Council to authorize the Clerk to appoint such person. The Clerk, having made that authorization, registers the person and issues a certificate upon payment of a fee of $100. Then the Notary Public is on the Register of Notaries Public permanently, subject only to the provision that he shall pay an annual license fee for the post which he holds and his name and his entitlement as Notary Public shall only be removed from such Register through misconduct or failure to pay the annual licensing fee.

There is also provided in the Schedules to the law before this Honourable House the form of application for the Notary Public, the form of oath that he will take, an example of his seal, the certificate which he displays in the office in which he conducts his affairs, a list of the fees that he may charge and the lay-out of the notorial Acts Book in which the brief details of each document he notarises are entered.

I would say, Mr. President, Sir, that when this bill was considered that copies of it were sent to various professional organizations in the territory inviting their comments. I am glad to say that the comments of all the professional organisations in general supported the introduction and updating of this law. They made minor suggestions which have, in fact, been incorporated in the main to the bill before us; the only occasion in which there was a direct conflict between representations made was when one organization said they considered the Notarial Acts Book essential and the other group said they considered it unnecessary. I then exercised my judgement, Sir, and kept it in. However, this is an attempt, Sir, to update the law, to make it clear what the status of a Notary Public is, to identify his functions, his remunerations, his responsibilities and his status as such. I commend this bill to the Honourable House.

MR. PRESIDENT: The question is that a bill entitled a Bill for a Law to Repeal and Replace the Notaries Public Law be given a second reading. The motion is open for debate.

MISS ANNIE HOLDAR HODDEN: Mr. President, while I agree that this Notaries Public law should be updated, I cannot agree with some of the stipulations. I feel, Sir, that there should be a fee, but I also fee that the fee should not exceed that which is being nowpaid by Attorneys-at-Law at the beginning of each year, which is $50.

Mr. President, I, for one, have been a Notary Public for the last 21 years and I would find it very cumbersome if I had to make a record of all the papers that I

MISS ANNIE HULDAH JODDEN: sign, most of them free, because these people who require notices and cannot locate a Justice of the Peace they come to my office and I would be ashamed to charge them for barely signing my name and sealing it. Perhaps I am too liberal but that is the feeling that I have. But if I had to keep a record of every time that I put my signature as a Notary Public I would hardly get anything else done.

I feel that we should have this updated bill, but that the appointment should be permanent, and as had been stated here the only thing that would cause you to lose your commission is if you did not pay your fee at the beginning of the year; I quite agree with that. My grouse against this is to have to keep a record of any and every paper that you witness as a Justice of the Peace or a Notary Public.

I feel, Sir, that would be quite burdensome and I do not know that one could do anything so very wrong as a Notary Public. In my case I hardly charge any fees, but if I had to keep a record I would have to employ a Secretary.

Another thing is that the present fees that we use are different from the proposed fees and I am wondering if the old fees that we had could be used, as the law contained similar rates, but would we have to all get new fees?

I quite agree, Sir, that every Tom, Dick and Harry should not be appointed Notary Public but I further feel that it is only the signatures, more or less that we are witnessing; and not the entire documents.

With these remarks, Sir, I would heartily endorse that we need a new bill. Thank you.

MR. BENSON O. EBANKS: Mr. President, I too have some reservations about the service which the general public will receive as a result of the introduction of this bill, because at the moment, many of the forms that are in use locally are required to be witnessed or maintained by a Justice of the Peace or a Notary Public.

To the best of my knowledge it is difficult for the average person to find Justices of the Peace when they need them and they have in fact been deeply heavily on the Notaries Public and I believe the opposite is also true. Sometimes Justices of the Peace have been called on to witness documents that may be rightly should be done by a Notary Public, but be that as it may, there are very many cases where people have to have just their signature authenticated or, I can think of another case that is not covered here and that is like certificates of qualifications. If you have to send copies of these courses they have to be certified to be true copies of the original. I do not see any provision for that in here. I see copies of documents that are obviously prepared by the Notary Public.

I believe that in other countries the inconveniences which I am speaking are covered by the appointment of what I understand to be called Commissioners of Oaths or something of this sort, and I am wondering if some immediate consideration should not be given to appointments of such persons so that the service to the general public will not be lessened or interrupted as a consequence of this law.

The law seems quite rightly to put certain things that need to be done by persons with legal knowledge in the sphere of Notaries Public qualified rather than Laymen, but I am concerned about those things which a laymen could quite rightly do and easily do, and which are required under certain laws and which Notaries Public now do, and I am wondering if we are going to make provision for those services to the general public. That is basically

MR. BENSON C. EBANKS (CONTINUING): my concern about the introduction of this bill, Mr. President.

CAPT. MABRY KIRKCONNELL: Mr. President, I am happy to see that we are going to have a new Notaries Public law, but like the Lady Member from George Town said I think the Notarial records are going to be rather cumbersome and in my district, I am called upon to witness or just sign on waivers, passport forms and the transfer of land and to have to keep records of all of this and in witnessing a document, I never read it, so it just means that you are going to have to peruse documents, where sometimes the people may object; sometimes they tend to cover the document and just ask you to witness their signature. But to keep this Notarial record you would certainly have to have the details of the documents. Thank you.

HON. TRUMAN M. BODDEN: Mr. President, I think in section 13, the Notarial Acts Book appears to be limited only to items 1 to 15 and 16, and those are matters which rarely arise, like Protest of a Bill of Exchange, and I do not think I have ever done one in my life, even though I have done some Ships Protest, Survey of Ships and Bottomry and Respondentia Bonds are extremely rare and 16 is important as it relates, you know, identification of an interpreter, and it could well be there that what is being interpreted is a very important matter.

The more common matters are things like No. 14, which is what the Lady Member and the Second Elected Member for Cayman Brac referred to and things like certificates in 15, so that there would not need to be the book kept for the more common less important matters. This section in the beginning did worry me as well until we had a careful look really and realised that it would only be rarely that we would have to keep that book. I do a lot of notarising myself and I would hate to have to put all of that in a book, I just would not do it.

The law, I think, is well put together in the Attorney-General's usual competent way and it is much needed and I think the provisions in it are fair and will strengthen the Notaries position. Thank you.

MR. PRESIDENT: If no other Honourable Member wishes to speak I will invite the Mover to exercise his right of reply.

HON. J. MICHAEL BRADLEY: Mr. President, Sir, thank you. I shall be brief. In relation to the points raised I noted the question of the annual fee, perhaps the better idea would be to amend the Practising Certificate fee up to $100 from $50 to make things fair and equitable.

In relation to the Notarial Acts Book as my Honourable friend has pointed out, I think in certain circumstances there are acts that are essential of a record be kept. If in Committee any of the items in the Schedule which now are required to be entered in the book are considered perhaps over-burdensome, then I would be quite happy to consider eliminating those from those which are required to be kept.

With relation to the charges upon the public, may I point out that the fees laid down here are maximum fees and there is no obligation upon a Notary Public if he wishes to be charitably disposed, as I am sure they would be, in cases of need, to charge any fee at all.

HON. J. MICHAEL BRADLEY: (CONTINUING): One thing I would draw Honourable Members' attention to, which I did not mention in my opening speech, is that under clause 4 the persons who are at present practising as Notaries Public do not have to go through any procedure other than making application within three months of the law coming into force, and complying with the requirements. They will be entitled to be enrolled on payment of the fee in the new year.

With these few brief words, Mr. President, Sir, I commend the bill.

MR. PRESIDENT: The motion is that a bill entitled a Bill for a Law to Repeal and Replace the Notaries Public Law be given a Second reading. Those in favour please say aye, those against no, the ayes have it.

I think it may be time to move the adjournment.

ADJOURNMENT 3.42 P.M.

HON. D. H. FOSTER: Mr. President, I move the adjournment of this House until 10 a.m. Tuesday the 30th November, 1982.

MR. PRESIDENT: The motion before the House is this House do not adjourn until 10 a.m. on Tuesday the 30th November, 1982. Will those in favour please say aye, those against no, the ayes have it.

AT 3.42 P.M. THE HOUSE ADJOURNED UNTIL TUESDAY MORNING THE 30th NOVEMBER, 1982 AT 10 A.M.

BUDGET SESSION AND
FORTY MEETING OF THE (1992) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON WEDNESDAY, 30TH NOVEMBER, 1992

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN J MCLEAN	MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M ODDEN	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
* HON JAMES M ODDEN	MEMBER FOR TOURISM AVIATION AND TRADE
HON G BAIG ODDEN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J GAIRSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR PENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MS W NORMAN ODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MRS LORIE MILDRED ODDEN, 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 CRADDOCK EBANKS, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

(* Absent in the morning Session)

ORDERS OF THE DAY

FIFTH DAY

TUESDAY, 30th NOVEMBER, 1982

GOVERNMENT BUSINESS:

(a) BILLS.

(i) THE WATER AUTHORITY BILL, 1982 (SUSPENSION OF STANDING ORDER 46 (2), (3) and (4))
FIRST AND SECOND READINGS

(ii) THE LITTER BILL, 1982 (SUSPENSION OF STANDING ORDER 46 (2),(3) and (4))
FIRST AND SECOND READINGS

(iii) THE CUSTOMS (AMENDMENT) BILL, 1982 (SUSPENSION OF STANDING ORDER 46 (2), (3) and (4))
FIRST AND SECOND READINGS

(iv) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1982 - REPORT THEREON AND THIRD READING

(b)GOVERNMENT MOTIONS -

(i) NO.3 - APPOINTMENTS TO THE CINEMATOGRAPHIC AUTHORITY

(ii) NO.4 - APPOINTMENTS TO THE LIQUOR LICENSING BOARDS

(iii) NO.5 - HOSPITAL FEES.

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Government Motion No.5 of 1982 - Hospital Fees	*26*
Adjournment	*30*

TUESDAY, 30th NOVEMBER, 1982

10 a.m.

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

THE WATER AUTHORITY BILL, 1982

FIRST READING

CLERK: The Water Authority Bill, 1982

MR. PRESIDENT: A Bill entitled The Water Authority Bill, 1982 has been deemed to have been read a First time and is set down for Second Reading.

SUSPENSION OF STANDING ORDER 46(2), (3) and (4)

HON. G. HAIG BODDEN: Mr. President, I move under Standing Order 82 the Suspension of Standing Order 46 (2), (3) and (4) so that we may deal with a bill that has not been gazetted, The Water Authority Bill, 1982.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 82 Standing Order 46 (2), (3) and (4) shall be suspended in order that the Water Authority Bill, 1982 be taken through all its stages. Does any Honourable Member wish to speak, if not I will put the motion to the vote. Will those in favour please say aye, those against no, the Ayes have it, so Standing Order 46 (2),(3) and (4) is suspended and The Water Authority Bill may be read a second time.

SECOND READING

CLERK: The Water Authority Bill , 1982

HON. G. HAIG BODDEN: Mr.President, I move the Second Reading of a bill entitled The Water Authority Bill, 1982.

The Cayman Islands are gradually developing into Islands that many people find attractive. We have a large tourist industry and many numbers of businessmen come to visit. For many years they have talked about developing water and sewerage systems which are needed. In fact, as far back as 1940 Mr. Lincoln Bodden of East End moved a motion in the Assembly which was seconded by Mr. Biddie Bodden of Bodden Town, to provide safe drinking water for all the districts, including the Lesser Islands of Cayman, and a few years later the late Albert Panton, who was perhaps one of the most far-sighted Caymanians, when he was the Acting Commissioner of the Cayman Islands, listed among his priorities a safe drinking water supply for the Cayman Islands. However, nothing was really done about it until the early sixties when the Government started to have scientific studies made. One study made in 1966 by Black Crowe and Idnex, another in 1969 by Reid, Crowther and Partners, one in 1974 by Mathers, another in 1974 by Wallace, Evans and Partners. A major study in 1978 by Richard and Dumbleton and another study in 1980, by Richard and Dumbleton.

So, perhaps for the last 40 years Government has been looking at improving the water supply and putting in a public sewerage system, but over the 40 years no work has actually been done. Very recently Government decided right after the 1980 elections that it was time to stop studying the problem and to take some action to remedy it. So in early 1981 Government appointed a project engineer to head the project for the supply of water and sewerage.

HON. G.HAIG BODDEN (CONTINUING): This engineer has been working under the Portfolio for Communications and Works and the Project Officer has been responsible for the actions that have been taken since 1980.

A bill has been drafted, the Water Authority Bill, 1982 and that bill is now before the House. In addition to that, a survey has been done in George Town to determine the needs for sewerage in George Town to form the background for the follow work on it. In addition to that plans have been drawn up to develop a well-field in Lower Valley which will supply 100,000 gallons of water per day to the truckers and so provide them with a safe supply.

The next stage of the development is that an engineer will be recruited who will carry out the initial design work on the sewerage system: the design work on the water will come along with that. What is really expected that for the sewerage plants will be established first to serve the George Town and part of the West Bay beach area and the second stage would be to develop West Bay and the remainder of the West Bay beach area.

Apart from the work in Lower Valley the next stage of the water project would be to develop the East End lens, probably supplying the districts of East End and Northside first and then continue the piping into George Town.

One of the major problems and one which will be cost effective is that the underground supply of water is in the Eastern Districts, while the demand is really on the western side of the Island.

So much for the background to the project. I will now turn to the bill.

This bill has been in draft for some time; the very first draft which was completed has been sent out to the Members. Since that time many changes have been made.

The bill seeks to create a Water Authority which is a body that will manage the supply of water. It is similar, in many respects, to the Port Authority and the Cayman Islands Corporation. Most of the bill is undoubtedly non-controversial as it deals with the administration setting up the water supply, providing for well-diggers to be licensed and matters of that nature. However, section 9 of the bill introduces a concept which may be a little foreign to us but nevertheless which is necessary if the water authority is to monitor the control of water. Section 9 reads -"Subject to this Law, and in particular to sub-section (4) of section 7 the control of all ground water in the Islands shall vest in the Crown".

The studies that have been done show that the 3 water lenses at East End, North Side and Lower Valley, together, are capable of supplying one million gallons of water per day, provided the water is abstracted in a manner which does not damage the lens. The water under the ground can be abstracted at a rate which will guarantee that there will always remain fresh water. For example, in the Lower Valley lens, which is up for immediate work, it is expected that the amount of water taken out per day, 100,000 gallons, will be just about 25% of the water which will be re-charged to the lens, so that even if we were to exceed the expected pumping rate, this lens should remain useful for ever. And the same thing will apply to East End and NorthSide. What causes the problem

HON. J. .AMIC BODDEN (CONTINUING): is where extensive pumping is done from a single well so that the draw-off, the fresh water which floats on top and gets down to the salt-water, if this happens the water lens can never be repaired, at least can never be repaired over a short number of years. It will be necessary to control the abstraction of water so as to guarantee that the resources will always remain in good condition, and this is the reason for section 9 of the bill.

Perhaps there are other ways to do this and it will depend on the feeling of the House.

Also in this same part of the bill in section 7 (4) provision is made for the authority to pay compensation at the rate of 50 cents for 1,000 gallons to the person entitled to possession of any land on which is situated a well from which water is abstracted for the public water supply.

Perhaps there are other ways in which the compensation can be offered and if the house feels that it should be in some different manner from what is put forward, I have no strong objection to this, but by and large, I feel that it is absolutely necessary for Government to have control of the abstraction of the water and I also feel that it is fair to offer compensation at the same time.

With these few remarks, Mr.President, I commend the bill to the House and would ask for the support of Members.

MR.PRESIDENT: The motion is that The Water Authority Bill, 1982 be given a Second Reading. Does any Honourable Member wish to speak? The Member for North Side.

MR.CRADDOCK ERSKINE: Mr.President, just a few short remarks on this proposed Water Bill. I give my support to the bringing of this bill to the House to be dealt with. It has been somewhat long over-due, but it is somewhat a comprehensive bill that needs a lot of scrutiny and consideration in dealing with it.

As in the bill, and as has been said by the Mover, I think where one of the problems will arise, and I am not quite sure at this stage what is the best solution to it, is the abstraction of the water to be distributed. The bill says that it is proposed to pay the land-owner certain fees for 1,000 gallons. Now, Mr.President, as I see it, the water is not anchored in one position or in one place, it is a free drainage of water and if a well or wells should be drilled within six feet, eight feet of some other land-owner's property, there is no question that water is not being pulled from John Bream's well as well. In fact, the drain of the water is probably for miles around. That is one of the things I think that should be gone into and good advice obtained on it, rather than that it be left to individual land-owners to be laying claims and proposing rates that they would want for 100 gallons or 1,000 gallons or whatever it may be.

There are a number of things that require great thought and it is a bill that would go to a Select Committee, I am sure, and that is the only way that we will be able to put our views together and try to minimise the problems that might arise out of this and everyone gets a fair deal in the supplying of water or the abstraction of it from their properties.

So, Mr.President, as I said, I give my support to this and am prepared to go along with it, because we have reached a stage where water is desperately needed in view of the development where the present dependence on catchments and wells can no longer be sufficient and cannot meet the demands of water.

MR. CRADDOCK REANEY (CONTINUING): Our development is still at a major stage, although not what it was a year ago, there is still a demand each day for more and more water to be supplied, including the sewerage system.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I too, am happy to see a bill before this Honourable House which seeks to establish a Water and Sewerage Authority as this is so essential and vital to every person in our Island. The future expansion of the tourist industry, financial industry and other business sections of our Islands, depend on the adequacy and purity of a water supply.

The bill before us, Sir, is a very comprehensive one and with few exceptions, has covered the subject well.

I must say, Sir, in this point in time I am rather confused with section 9 and with section 7, subsection (4). They seem to me to be sort of contradictory and would lead to unfair practice in paying some people on whose site the well may be established, while other owners of land in the same lens area are getting nothing. The lens area for the Lower Valley lens extends west of Savannah Village to Bodden Town School with a north-ward spur near Pedro. This, Mr. President, covers several thousand acres of land and to single out 35, 40 or 50 people who will receive compensation because the well is situated on their property, in my opinion, is going to lead to a lot of dissension and it will be unfair to those who own the greater part of the land over which the lens is situated.

I think Richard and Dumbleton in their report recommended that the under-ground water should not continue to be recognised as being connected to the land under which it is located but should be vested wholly in the Crown is a correct stand for us to take and section 9 has certainly covered this, but section 7 (4) - "The payment of fifty cents for 1,000 gallons to the person on whose land a well has been established for the purpose of abstraction", seems to me to be a little unfair.

I would like to give this my full support but before I do I would like to get this point absolutely crystal clear and I think it would be in the best interest of this Government and everyone concerned to have this clearly defined beyond a shadow of a doubt why they are being paid this compensation, otherwise we are setting a precedent and we may expect a lot of dissatisfaction if it is not handled properly at this time.

The under-ground water, Mr. President, should be utilised for the common good of all the people. With these few remarks I will close and I support the bill, but hope that the points which I have mentioned will be clarified.

MR. J. CARLTON SMITH: Mr. President, I too rise to support this bill before this Honourable House today. This is something that has been dragged around for many years and in my opinion it is high time that action be taken.

I am very much concerned, Sir, that if we continue on our present trend we will end up with some sort of an epidemic that will ruin what all of us here in this Chamber here today have worked so hard to achieve. I am told that some of the water on the 7-mile beach is not suitable to even wash a car, much less for human consumption.

I am also told that from some of the taps there is a stench that is most unbearable.

MR.J.GARSTON SMITH (CONTINUING): I agree with the previous two speakers who said there were some points they disagreed with, as far as compensation is concerned. I, too, want to endorse that I disagree with one person being compensated where that pump is installed and there are many other persons in that area involved in the extraction of that same water.

Maybe Government could acquire that land or could even lease that land and then compensate the owners who are involved in those areas of the land.

Mr.President, I want to support this bill and I hope that at a later stage we can make these amendments. I thank you very much, Sir.

MISS ANNIE HUDAH BODDEN: Mr.President, I support this bill and as the other speakers have said, we need to make adjustments and I feel that in due course it should go to a select committee to deal with.

I am very pleased to hear that the first person who mentioned this water supply was (whom I suppose most people would call) an obscure man but regardless of how obscure you may be, you have some points which the more educated and affluent people seem to fail to remember.

It has taken a long time,but nevertheless it is better late than never and I feel that the one and only way that a lot of dissension can be avoided is that Government claim the under-ground rights in water. I am sure that there will be people who will not agree with this, and especially some people who have the water leases in their land, they will feel that they should have all the rights. I think that the Government should control and see that each and every one is given a fair opportunity to get paid, if they are going to get paid, or Government use it with discretion and for the good of all. Thank you, Sir.

CAPT.MABRY S.KIRKCONNELL: Mr.President, I too rise to support this bill. I am happy to see that this is coming before us and will soon be legislation.

I feel it is necessary that we preserve our water supply. Maybe if this had been done in previous years it would have been more economical and probably less pollution would have occurred.

I am equally concerned with the disposal of sewage , I think this is most important and this will also be incorporated in this law.

Like the previous speakers have said, there are some reservations which I am hopeful will be amended and I can easily agree with them on the matter of the compensation, this could be something that would cause social unrest here rather than make more harmonious our water supply.

I would also hope, Mr.President, that in time to come this authority can also be extended to include the two Islands of my constituency as we, too, have a water and a sewage disposal problem. Thank you, Mr.President.

MR.D.DALMAIN EBANKS: Mr.President, I, too, want to give my support to this bill because water and sewerage are musts. We have to have them regulated, put in action as soon as possible.

The only thing that bothers me, as has been already stated, is the idea of paying compensation to the person where the pump is set. I remember reading sometime ago about the same thing that brought commotion or a problem, I think it was in

MR.HA.DALMAIN EBANKS(CONTINUING): oil wells in Texas, so we have to be very careful how we are going to draft this, and I think a committee should be able to study and find the best methods. I thank you, Sir.

MR.BENSON O.EBANKS: Mr.President, I am happy to see that this bill is before the House. I can certainly support the method of the formation of the Authority and the provisions for its management. These are very democratic and ones which I can readily support.

Unlike the Housing Authority which was established some time ago this bill does not put undue power in a single person's hand.

I ,too, have reservations about the method of compensation for the extraction of the water. As previous speakers have said, water is fluid and it is known that the water is a continuous flow and it would seem unreasonable that in theory, at least, the piping for the well could traverse one land-owners land for, say, a mile and then only project 6 feet into another person's property and there, if the well is sunk, the person with only 6 feet of his land encumbered, reaps the complete reward of all the water in the area. So it seems to me, Mr.President, that some formula should be worked out whereby any property that is encumbered by the water-works or its system, or whatever we are going to call it, is compensated not just those on whose land the wells happen to be located.

I would certainly support the view that this bill should be sent to a Select Committee. It seems to me that there is sufficient evidence that good use could be made of a Select Committee in this instance and I would hope that the Member piloting the Bill, in his winding up, or at the appropriate time, make that motion. I thank you, Mr.President.

MR.W.NORMAN PODDEN: Mr.President, I, too, would like to associate myself with my colleagues on this side of the House who have all supported the bill presently before us.

I agree with the view that a more equitable formula for compensation should be established and that it would prove most useful for the mover of this bill to recommend that it be sent to a Select Committee where other areas that have caused some concern can be clarified. Thank you very much.

HON.JOHN B.McLEAN: Mr.President, he who has health has hope and he who has hope has everything.

Clear,clean water is essential for health.

The bill before us today, Mr.President, is one that should have been here many years ago. Many studies have been carried out and I feel the time for action is now.

We have had experience in various parts of the Island; it has been pointed out by previous speakers from the studies that have been carried out especially in the areas like the West Bay Beach and here in George Town, water lenses have already been contaminated. I am aware that the larger lens is in my district and I am certain that there will be many who will object but I feel I am doing exactly what is correct when I support this bill and I feel that I will have the support of the majority of the people in this Island.

As to section 7 (4) I tend to agree with previous speakers. I think, perhaps, when this bill is in Select Committee that we should re-word that section and instead of

HON. JOHN B. McLEAN (CONTINUING): dealing with water, we should perhaps deal with the use of land. To me that section is really conflicting with section 8, because in section 9 we are saying that the water belongs to the Crown, yet in section 7 (4) we are prepared to pay somebody for it.

With these few remarks, Mr. President, I support this bill and I hope and trust that when we get to Committee we can have that amended.

MR. PRESIDENT: If no other Honourable Member wishes to speak I will invite the Mover of the motion to reply if he wishes.

HON. G. HAIG BODDEN: Mr. President, I thank the Members for the support they have given to the bill. The points raised have been a matter of concern for the Members of Executive Council from the initial draft of the bill. However, the House has shown itself capable of dealing with many controversial matters in the past. I remember the Land Law, the Development Plan, the Marine Conservation Law, the Endangered Species Act, just to name a few, and undoubtedly this House will come up with a solution that is fair and equitable and that can actually work and do what we know should be done.

The matter of paying compensation to all land-owners in the area of the water lens will be a very complex matter. The areas are well defined but they cover hundreds of acres in some instances; there are thousands of land-owners involved and the payment or the portion to be allotted to each one will require the work of a separate computer, not the one the Government now has in use. The discussions, the money to be paid would all have to be computerised. However, if this is the way we should go, I feel that we can deal with it.

The matter of the vesting of the water in the Government, in the Crown, had been raised with the draughtsman who was seconded to help put this bill together, and he had no strong feelings. He said it was a political decision which we would have to make. The Richards and Dumbleton report made a suggestion however, they were making their decision, or their recommendation probably from not only an engineering point of view, but from the practicality of it and the simplest way to work it out. We know that because the root is simple it does not mean that it will be politically acceptable. This has been demonstrated here on many occasions in the past.

I would like to assure the Member from the Lesser Islands who spoke that the Lesser Islands are included in this bill; an investigation has been made of the water supply in the Lesser Islands and there is some potable underground water in Cayman Brac which perhaps can be developed at a later stage. Unfortunately there is none in Little Cayman and any public supply there would probably have to come from some other source.

The matters raised in the debate are matters that cannot easily be worked out here and it would seem the right course to send this bill to a Select Committee, however, I would like the Members to realise that we are endeavouring to finalise this bill so that work may move ahead on the Lower Valley lens. The Finance Committee has already approved the money for this project, but the spending of it has been conditioned upon this bill being in place. We are coming up near to

HON.C.HAIG BODDEN (CONTINUING): the holiday season and unless the Members are prepared to work either rapidly or throughout the Christmas holidays, (to which I have no objection), we may find ourselves still in Committee in January. I trust that the House will not be adjourned until we have completed this bill.

The Financial Secretary is anxious to have the Third Reading of the Budget so that we may prepare the final Estimates and it may be that all matters to be dealt with (and we have the Third Reading on all Bills) then the Select Committee could meet to consider this bill and the House could meet sometime in January or early February to finalise this bill.

If a Select Committee is set up I would like to see either the Attorney General or the Legal Draughtsman sit with us in the committee; I know the Attorney General is busy at this time and may not want to be a member of the Committee, but the Committee has the power to ask the Legal Draughtsman to come in, and so, Mr.President, with your permission I would like to move a motion that a bill ....

MR.PRESIDENT: I think, I speak subject to correction, but I think do we not first finish the debate on the Second Reading and then after that you move a motion for a Select Committee, if I have read Standing Order 49 (1) correctly. Members will know when they vote on the Second Reading that you have the intention of suggesting the appointment of a Select Committee,but I do not think you actually move it yet.

HON.G.HAIG BODDEN: Yes, Mr.President.

MR.PRESIDENT: That's my reading of Standing Order. So, the motion at present before the House is that a Bill entitled The Water Authority Bill, 1982 be given a Second Reading the Mover having given notice of his intention to move a motion for the appointment of a Select Committee to examine it if the Second Reading is carried. I will now put the question on the Second Reading. Will those in favour please say aye, those against no, the Ayes have it.

HON.C.HAIG BODDEN: Mr. President, I move that a bill entitled The Water Authority Bill, 1982 be referred to a Select Committee of all the Elected Members of the House.

MR.PRESIDENT: The motion is that the bill which has just been given its second reading, The Water Authority Bill, 1982 be referred to a Select Committee composed of all the Elected Members of the Assembly.

HON.C.HAIG BODDEN: Mr.President, I would like to say that the Attorney General has indicated he would like to be excused if possible from sitting on this Committee because of pressure of work, but he would have no objection to the Legal Draughtsman being a Member, however, it does not seem that we can make him a member here, we would have to invite him to attend, which we can do.

MR.PRESIDENT: I think he would have to be invited to attend. I think that would be proper. So the motion is that all the Elected Members of the Assembly should be appointed to the proposed Select Committee. Does any Honourable Member wish to speak on the motion? Will those in favour please say aye, those against no, the Ayes have it.

My understanding is that it falls to me

MR.PRESIDENT (CONTINUING): to appoint a Chairman of the Select Committee. I think that must be under Section 69 (2) and I would propose to nominate the Member in charge of the Bill, that is the Fourth Elected Member of Executive Council to chair the Committee.

THE LITTER LAW, 1982

FIRST READING

CLERK: The Litter Bill, 1982

SUSPENSION OF STANDING ORDER 46 (2),(3 and (4)

HON. TRUMAN M.BODDEN: Mr.President, under Standing Order 82 I beg to request the consent of this Legislative Assembly to the suspension of Standing Order 46, sub-orders (2), (3) and (4) as the bill has not been printed or gazetted.

MR.PRESIDENT: The motion is that under the provisions of Standing Order 82, Standing Order 46 (2),(3) and (4) should be suspended to enable the Litter Bill, 1982 to be read. Does any Honourable Member wish to speak?

MR.BENSON O.EBANKS: Mr.President, just to take the point that I am wondering whether in fact sub-order (3) of 46 need be suspended. It would seem to me that this needs to be left in place in order for the bill to be proceeded with.

HON.TRUMAN M.BODDEN: Mr.President, I think out of an abundance of caution if we are waiving the condition precedent to (3) we might as well suspend that at the same time to put it beyond a doubt. But if you rule otherwise, then so be it, Sir.

MR.PRESIDENT: I think perhaps from an abundance of caution it can do no harm to contemplate the suspension of Standing Order 46 (3) on this occasion. I confess that I would like to take further advice about what our future practice would be in the event that at any time in the future a bill which has not been gazetted does come here for consideration by the House.

So I think the Honourable Member is relaxed about the matter, the motion is that in accordance with the provisions of Standing Order 82,Standing Order 46 paragraphs (2), (3) and (4) should be suspended in order to enable the Litter Bill to be read. If no other Honourable Member wishes to speak I will ask those in favour to say aye, those against no, I declare the motion carried.

SECOND READING

CLERK: The Litter Bill 1982

HON.TRUMAN M.BODDEN: Mr.President, I beg to move the Second Reading of the Litter Bill, 1982. This bill, Mr.President comes at a time when the public has spoken on the problem of cleaning up the country from a litter stand-point and of keeping it clean.

The Law here incorporates substantially all of the provisions of the previous law and I would hope that in the future the problem which arose around the question in law of what is defacement will not be any problem in relation to this bill.

HON. TRUMAN M. BODDEN (CONTINUING): During the many sittings of the Committee as well as the sub-committees relating to litter and Keep Cayman Clean there have been many other suggestions put forward which I feel that this House may wish to look at.

One suggestion was that it should be made mandatory that cars, motor cars have waste-paper baskets in them. The reasoning behind this is that if there is a waste-paper basket in the car then it would be less of a temptation to throw litter through the window of a car. Along the roads most litter is thrown from cars rather than deposited by persons on bicycles or pedestrians.

Another suggestion that was raised by the Committee is that land-owners should have a duty to keep the shoulder of the road in front of their property where it adjoins the roads, clean. This is another aspect, not in the bill, that the House may wish to consider.

To take this a point further the suggestion was also raised in one of those committees that at licensed premises, bars, etc., the owners of that property should have the responsibility of keeping the surrounding property and road-sides clean. A large amount of litter mainly in the form of bottles or cans from either hard or soft beverages are found in the vicinity of them, and it is a presumption that it came as a result of persons who drank in them, **premises and then disposed** of the containers on their way out.

How these could be dealt with, I think if it is the wish of the House that these be inserted then I think that the suggestions have are worth looking at. While they may be somewhat unique, or way out, it is, I think, extremely important that we get Cayman clean but also that we keep it clean.

You have appropriated, and I thank you for this, a large sum of money to deal with cleaning up Cayman and the responsibility on me is to ensure that once it is clean we have a system in place to keep it clean. **Keeping** it clean is going to be the big problem.

I would like to express my appreciation and gratitude to two members of those diverse committees relating to litter - Rev. Gerald Smith and Mr. Harold J. Bolden, who have not only put a lot of time but a lot of money into assisting Government and actually in cleaning up the respective districts themselves, as well as to committees in each district and the many other committees that have sat and are still sitting to assist in cleaning up Cayman either for the Queen or hopefully perpetually.

I believe that this bill would have the public support and I believe that anything that this House does that is reasonable, even if it may be a bit unique, to assist in this problem, would be accepted by the public, so I would ask Members to support the bill and also to consider these other matters which, if we can tighten the bill in that respect, then I would be prepared to ask my colleagues to look at this and see how best we could get it incorporated into this law or into the other laws that would relate to it. Thank you.

MR. PRESIDENT: The motion before the House is that a bill entitled the Litter Bill, 1982 be given a second reading. Before I invite debate on that I think it may be a convenient moment to suspend proceedings for fifteen minutes, but before even I suspend proceedings for fifteen minutes, I should like just to say to Honourable Members that at some convenient time today I would, if I may, like to suggest that we have another informal meeting, I hope quite brief, of the kind we had about a week ago. For two reasons, firstly

MR. PRESIDENT: (CONTINUING): so that we could discuss amongst ourselves informally the possible time-table for the remainder of this meeting to see how we can plan to get through our business and whether we can complete it all in reasonable time well before Christmas and secondly, to give me, if I may be allowed it, the opportunity to report to those of you who were not present, the outcome of the discussions last Thursday evening and Friday with the reconnaissance party from Buckingham Palace who came to discuss arrangements and the programme for the Queen's visit. There are no great changes but a few minor points of which I would like you to be aware.

My suggestion is that we might have this informal meeting at the end of today's meeting of the Assembly, that is at half past four unless we chance to come to an end of our Order Paper business before half past four, but I thought I would just forewarn you of that in case any of you had made arrangements to do anything at half past four, you might want to adjust them, if it is agreeable to you to meet informally after we conclude our business.

So now I will suspend proceedings for fifteen minutes.

AT 11.22 a.m. the House was suspended

HOUSE RESUMED AT 11.50 a.m.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Litter Bill, Second Reading. The motion is that a bill entitled The Litter Bill, 1982 be given a Second Reading. The motion is open for debate, if any Honourable Member wishes to speak.

SECOND READING DEBATE
THE LITTER BILL, 1982

MR. V. NORMAN BODDEN: Mr.President, I rise to support this bill that has been placed before this Honourable House, a bill for a law respecting the littering of public places and of premises.

I am pleased to see this and as was said previously about the other bill, I think this is long over-due. It hopefully will assist Government and other community minded persons with the job of keeping our Islands clean and tidy. I feel that it is fair and that it places the responsibility for cleanliness where it rightfully belongs. I hope that it will be effectively carried out in order to keep these Islands tidy, that will bring litter-bugs to justice and that we will maintain our country to the standard of cleanliness of what we would all like to boast, but are unable to do so at this time, due to the enormous number of wrecked cars lying around and unsightly garbage in many areas.

I have one point on which I would like clarification: it is that I would like to be satisfied that in a case whereby a person fails to pay a fine or debt as stipulated in sub-section (3) of section 6, is there a provision in this or any other law that enables Government to seaze the premises in question so that if the debt remains unpaid for an indefinite period of time that Government will be in a position to eventually own the premises?

Perhaps in the summing up I can get clarification on this and again I would like to see that when this becomes law that it is rigidly enforced and with these brief remarks, Sir, I support the bill. Thank you.

MISS ARMIE HULDAH BODDEN: Mr.President, I am very happy to see this bill before the House. I feel that it is one that deserves full consideration.

I have spent more money as a poor person in trying to help parts of George Town than most people; I have even neglected my own yard, but I feel that unless the law is enforced, it is useless, because evidently it appears to me that most people like to see a lot of litter strewn all over the place.

Recently the Rotary Club has undertaken to try to tidy up the cemetery at Whitehall and believe it or not, there is still a number of pans and bottles thrown all over that place. Now there is something that has to be done, and it is this that any person found littering should be immediately taken to Court, fined and if they do not pay the fine let them go to prison and they are the people who should be forced to help clean up the mess they are making.

I must congratulate the mover of this on his forethought of preparing such a bill and I am very sure that it will be given the full support of this House.

HON. MICHAEL BRADLEY: Mr.President, Sir, I rise very briefly to support the bill and to add, Mr.President, Sir, one minor word of explanation in case this Honourable Assembly feels that in future they are being troubled with too many minor pieces of legislation.

HON. MICHAEL BRADLEY (CONTINUING): It was the wish of Government to have this bill put through expeditiously and at this session, so that we could have an effective instrument in our hands to make the Islands as presentable as possible at the time of the Royal Visit. That being so, this bill is being put through today but there will be, Sir, at the next session three very short bills being introduced which will repeal provisions in the Towns and Communities (Amendment) Law, in the Penal Code and in the Development and Planning (Revised) Law which in their own differing ways, and this is where part of the trouble has arisen, tried to deal in the past with the problem of litter. Hopefully, now that this bill is being put through we shall be able to proceed and tidy up the other laws by repealing the other provisions. So I was just merely giving, Mr. President, Sir, the house due warning that it would be introduced by me in the next session, or shortly in the new year, three very short bills repealing provisions in the other laws. Thank you.

MR. BENSON O. EBANKS: Mr. President, the intervention by the last speaker has helped somewhat, but I am still left with a few questions regarding this bill. As the mover has said, this bill attempts to bring together in one piece of legislation, provisions which were found in various laws. In looking through the bill as it now stands, I have a few questions and wonder under what section of the law, either regulations will be made or where provision is made to accommodate certain of the actions which seem to be contemplated.

For example, with the removal of vehicles, I am wondering how the cost of the removal of the vehicle and the cost of storage will be computed, how this will be arrived at and under what sections or provisions, because there is, as I see it, authority in the bill for an officer, meaning an Environmental Health Officer, to permit persons to pay the cost of removing the vehicle and the cost of storage, then to recover the vehicle, that is within a time?

Again, there is provision where within a reasonable time when the vehicle has been disposed of, he is entitled to reimburse the owner, over and above these costs and I am wondering how we arrive at these costs, or whether these will be in fact actual costs, whether Government will not undertake to establish a storage area or removal service and we would know specifically what these costs would be?

These are areas, Mr. President, that I think would need some clarification possibly in the committee stage of the bill.

As to the provisions which were suggested by the mover of the bill during its introduction, I think these were suggestions which were made to him subsequent to the printing of the bill or the drafting of it and he was inviting comments on these, as far as I am concerned, Mr. President, the biggest problem with litter from cars is really the bottles and the cans, beer bottles, cans, and of course for soft drinks as well, and unless this waste paper basket which is being suggested for vehicles is something different from those I know of, I do not see them serving that purpose. It would be very small bits of litter that would be placed in these baskets.

Again, I was not sure whether the Member in saying that it has been suggested that owners of property abutting the road, be responsible for keeping the verges of his property clean, I am not sure whether that meant clean of all litter and the rest of

MR. BENSON O.EBANKS (CONTINUING): it, or clean in the sense that it is not permitted to be overgrown and so on, or whether it means both, but I believe that there is provision under, I think, the Traffic Law where an owner of property adjoining the road, has some obligation under that law as to keeping it cleaned and so on. I do not think it extends to keeping it free from litter, but may be we could direct our attention to that when we get to it.

The other suggestion about the licensed premises, as he rightly said, would be a difficult one to implement and I would have to give that further consideration if and when details of any proposed amendment is made in the committee stage, but in general, Mr.President, I do not think that any of us can quarrel with the intention of this Law,that is to get a comprehensive Litter Law on the books and I only hope that this will enable the authorities to enforce the provisions, because as diverse and obscure the previous provisions might have been, they were there and it appears to me that there was lacking of will on the part of someone or bodies to really enforce the laws. I hope that there will be no excuse now that there is no legislation to back the desire to keep the country clean and healthy. I thank you.

MR.CRADDOCK EBANKS: Mr.President, this happens to be one of our laws that needed to have been re-vamped long ago and a new one brought in to replace it with more effectiveness in dealing with litter that is being thrown all over the Islands.

It appears that we are reaching a stage where if we leave too many of these things to the discretion of the judges,although they are responsible for the administering of the laws, it does not seem that we are achieving or covering much ground. It appears to me that the time is now ripe where there should be some mandatory fines or penalties to meet what we feel is necessary.

I noticed in this draft bill in some three or four places where the word "defacement" appears and if I have understood right that when some months ago when an attempt was made to try to get a case or two into court this word was picked out and used, because it appears in the Towns and Communities Law, that throwing or leaving litter actually was not defacing, it would be if the surface was defected, being broken or picked to pieces or something along those lines would come under the word "defacement", and not the matter of throwing a can or a bottle in the street. So I do not know whether this will remain and if it can be proven to be effective, then I am not against it. But it has been used in the courts, the lawyers used it as not pertaining to what the argument was for.

I heard this for quite some time that it ought to be compulsorily, it ought to be in the law, and the mover also mentioned it that garbage bags be placed in cars. What seems to be the abundance of litter on the road-sides the cans and bottles and most people who do this littering would not even think, or remember, or realise that they have a garbage bag in the car, and the type or size of garbage bag that would be used in the car would not suffice for people who are out drinking, they have two or three cases of beer in their cars, drinking and dumping as they ride. I do not say that there is anything wrong in having a garbage bag or collector in the car, particularly if someone is having a snack they can stick a piece of paper in it after they have finished eating, or an empty pack of cigarettes, and such things, but I do not think it will solve the problem of reducing the type of litter that we are faced

MR.CRADDOCK BRANES (CONTINUING): with.

Again, I realise, Mr.President, that it is not easy to follow a car, or someone sees a bottle or a can coming from a car and there are three, four or five people in it, and any then really who threw this out, because everyone would swear that it was not he or she. But we ought to have something in the law that if and when it reaches the court it would be an example to others on the outside that they must pay for littering.

As to vehicles being left on the road, it has been so neglected by the Department of Government responsible for traffic, the public has gotten used to having a car burnt up, seeing it afire or is caught afire, they walk away and leave it there for weeks upon weeks, probably causing another accident. Yet if one pulls in on the side somewhere for a minute, within six inches of a yellow line, there are three police to write it up and the person ends up in court. But these major things cannot be seen or anything done about them.

Now I feel, Mr.President, that the time has come when anybody has been licensed to operate a car, they have bought a car, they are using it for whatever purpose and it is wrecked on the road, it ought to be the responsibility of the owner of that car to have it moved and there should be a time limit of 24 hours. If it is not moved within that time, there should be a fee, as far as I am concerned $100 a day for every day it remains there. If you do not make these things so people can realise that they must co-operate or meet the requirements, well they should pay for it.

We just cannot go on in grace, faith and hope, saying well, we hope they will learn. There are a few people who learn the hard way, when they take their Saturdays and go out there and clean, rake up and somebody comes driving along and start littering. They curse those who are cleaning saying, let the fools go ahead and clean up, we will throw them out.

Mr.President, with just these few comments I will leave it at that until we get into the committee stage, and then somebody will have to satisfy me that some additions will be made where it will be mandatory "shall" not "may" because we hope one May in each year and that is sufficient, we do not want any more added to it. So I give this Litter Bill my whole support and I intend to support it through the committee stage with the hope, as I said, that some teeth are put in to do the job when it reaches the courts or other departments of Government. I hope that those who are responsible will see to the cleaning up and that premises are kept clean, that they will do their job. I thank you.

MR.J.CARLTON SMITH: Mr.President, my contribution will be very brief. The bill before us here today is a long needed one. I realise that it will not be an easy bill to administer, but I am happy this morning to see that we are making every effort to put every bit of legislation behind this bill that we can put this in force throughout these Islands.

Mr.President, mention was made by the mover of this bill and I think some other speakers about putting waste baskets in each vehicle. I thought about this and I have tried this and in one instance I found my garbage container being thrown out the window. What I am trying to get across is this that I think a proper education programme should be taught in the schools, in the

MR.J.GARSTON SMITH (CONTINUING): churches and every place where to an organisation as such.

We could sit here all day, Mr.President and make laws but if they are not put into force well then we are wasting our time.

The Member from North Side touched on burnt cars being placed on the road-sides for days, for weeks. I remember just a few weeks ago my son had a small truck burnt in the Newlands area. It was night-time and we asked if that truck could stay there until morning when it could be removed and he was told by the police,"No, you have to move it now or you will be prosecuted". But yet I have seen cars sit on the side of the roads for weeks, especially on the West Bay road and no one did anything about it. That is why I am saying here that if we can sit here and make laws but if they are not put into force, it is useless.

Mr.President, I support this bill and the Member piloting it for making at least another try to have litter in these Islands controlled. I thank you very much, Sir.

CAPT.CHARLES L.KIRKCONNELL: Mr.President, I, too, rise to support this bill. I think it is a very worth-while bill and a step in the right direction.

Our people have to be more aware and sensitive of the problems they are creating when they thoughtlessly throw tissues, bottles, cans,etc. on to the highway. I know that they have been appealed to and apparently to no avail, because you may clean up a place today and go back there in a week's time and find almost as many bottles, cans and trash as there were the previous week.

I think this bill is going to hit where it is going to hurt most, and that is their pocket book, but as the previous speaker has just said, unless the law is enforced all of our efforts in this Legislative Assembly will have come to naught.

We have, unfortunately, in our community, some very undisciplined, destructive and thoughtless people who neither respect God nor man. It is time that we bring them to some reckoning and let them realise that there is a law and that they must respect, not only the law, but their neighbours. They must remember that the next thing to godliness is cleanliness.

I agree with some of the remarks of the mover of this bill and I wholly support what his committee had to say. I have made it personally my contribution of having in front of my premises, whether business or residential cleaned as my effort towards keeping our town or Islands clean and I feel that we should not have to legislate for this. One should be mindful of his duty to the country and do this without having to be forced to do so by legislation.

I have also noted that apparently there is an omission in the bill which makes no provision for regulations to be made by the Governor in Council; perhaps in the committee stage we could put in another section which would permit the Governor in Council to make regulations to further enforce this bill. I thank you, Sir.

MR.E.DALMAIN EBANKS: Mr.President, I, too, want to give my support to this bill as it is very much needed. It is something that we have to realise that litter problem is not only a problem, it is a disease, because there are very few people who do not litter.

I think that this bill could even have

MR. S. DAUMAIR FRANCO (CONTINUED): ...were fast in it. I would suggest even raising the fines. However, there is one issue, who is going to prosecute the culprit who litters. It cannot just be left to the police because they are not always all over the island. I feel there should be a special committee formed where persons are given the power to charge or prosecute persons found littering. I have been on clean-up campaigns myself and while I am cleaning the sides of the bush cans have been thrown by my side from passing cars. So it is something that more consideration has to be given to and I hope these things will be ironed out in committee.

I thank you, Sir.

CAPT. HARRY S. VIRGO-FELIX: Mr. President, I too would like to support this Bill and I compliment the Honourable Member moving it.

I think it is very needed and it will be very beneficial when it is properly enforced.

With regards to the suggestions made I think each and every one of us should voluntarily adhere to these suggestions; I think they are good and I do not think legislation should have to be made to make us keep our Islands clean of which we are so proud. I sincerely hope that enforcement will be very seriously looked after and I again compliment the Honourable Member moving the Bill. I give it my full support.

MR. PRESIDENT: If no other Member wishes to speak I will ask the mover of the motion whether he wishes to exercise his right to reply?

HON. ORMAN M. BERRY: Mr. President, I will be brief. I want to thank all the Members for supporting the Bill.

In relation to what the First Elected Member from Grand Cayman raised that Government have a right to go against the property in the event of a default in paying a fine; while that is not in here as a specific provision the section 6(1) that the Member referred to gives us a right to proceed summarily as a civil debt which would give the right, once there is a judgment, to levy execution and apply to the court to order sale.

In relation to the point of mentions that the First Elected Member for the Lesser Islands and the Third Elected Member for West End referred to if it is the wish of this House that regulation be put in here then I think it is quite appropriate and I believe that the other Members, Official and Elected of Executive Council, will support that.

The Elected Member for North Side dealt with really what has been the breakdown of prosecutions under the present Law and that is the meaning of defacement. I looked, and I believe that the draftsman and the Attorney-General probably did, at many other Laws from the United Kingdom outside through to Canada's and the word defacement and tending to deface is in there. I do not see it as a local problem. I spent quite a bit of time looking at this and I believe that now if the case is properly presented to the court there should be no problem.

The difference is a simple one. If you take a dirty paint can and put it on the wall it is a defacement. If you take that can, paint it in an attractive manner and plant a good looking plant in it then it is not defacement. That distinction, I think, has to be in the Law and I hope that we can get the interpretation from the comments we have had in other jurisdictions.

The new Member for North Side also referred to the removal of motor vehicles and I am very happy, subject to what the other Members think, to remove the word "may" in section

HON. TRUMAN M. HODDER (CONTINUING): 6(1), the sixth line, and put "shall" in there at the committee stage so that once there is litter the officer "shall" come. This covers what the Member for West Bay referred to as well under the derelict vehicles and if it is the wish, even though that section does make it mandatory, then we can also tighten that as well.

Perhaps the most important aspect of this was touched on by the First Elected Member for West Bay when he said there has to be a programme for the community to be educated to prevent litter. That is being moved on quite forcefully now. Literature is being printed, programmes are being prepared for the radio and for release to the press and that, looking at it in the long term, is really where the easier line. But as every Member in here has said, it is not going to be an easy solution and I would ask Members to support their committees in the districts and also support the efforts of the clean-up committees and the prevention of litter within the Islands.

I thank you again for supporting the Bill.

MR. PRESIDENT: The question is that a Bill entitled The Litter Bill, 1992 be given a second reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think it will probably be convenient if we now suspend proceedings I suggest until 1:30 this afternoon.

AT 12:30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:30 P.M.

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

THE CUSTOMS (AMENDMENT) BILL, 1992

FIRST READING

CLERK: The Customs (Amendment) Bill, 1992.

MR. PRESIDENT: A Bill entitled The Customs (Amendment) Bill, 1992 is deemed to have been read a First time and is set down for Second Reading.

SUSPENSION OF STANDING ORDER 46(2), (3) AND (4)

HON. THOMAS C. JEFFERSON: Mr. President, I beg to request under Standing Order 89 the suspension of Standing Order 46(2), (3) and (4).

MR. PRESIDENT: The question is that in accordance with the provisions of Standing Order 89, Standing Order 46(2), (3) and (4) be suspended to enable the Second Reading of the Customs (Amendment) Bill, 1992 to be taken.

Does any Member wish to speak. If not I will put the question.

QUESTION PUT: AGREED. STANDING ORDERS SUSPENDED.

SECOND READING

CLERK: The Customs (Amendment) Bill, 1987.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled A Bill for a Law to Amend The Customs Law (Cap.84).

Mr. President, the proposal to remove duty from baking powder, oatmeal, cream of wheat, dry macaroni and spaghetti packaged in tea form has already been mentioned in my Budget Address therefore I do not intend to speak for a long period of time.

The Bill before this Honourable House, Mr. President, with the approval of Members will effect the removal of duty. The revenue of this country has grown significantly over the years and is reasonable to remove duty on items such as these to stabilize the price of the staple diet of citizens. It is reasonable, Mr. President, to consider the removal of duty on items which do not seriously affect the 1987 revenue which has been estimated by Finance Committee.

Mr. President, I ask all Members to support the Bill.

Thank you.

MR. SPEAKER: The question is that the Customs (Amendment) Bill, 1987 be given a Second Reading. The Motion is open for debate. Does any Member wish to speak. (PAUSE)

If not I will put the question.

QUESTION PUT. AGREED. BILL GIVEN A SECOND READING.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1987

REPORT CONSIDERED

MR. PRESIDENT: The Report on The Misuse of Drugs (Amendment) Bill, 1987.

STANDING ORDERS 52(3) AND 72(5) AND (6)

HON. MICHAEL J. BRADLEY: Mr. President, in accordance with Standing Orders 52(3) and 72(5) and (6), I beg to move without notice that the Report of the Select Committee on the Misuse of Drugs (Amendment) Bill, 1987 be adopted and that the recommendations contained therein also be adopted and that amendments to the Bill contained in the Schedule to the Report be incorporated in the Bill with one amendment - namely that in the proposed new subsection (2) to section 12 of the principle Law which is contained in the new Clause 3, the words "it shall," be inserted in line 3 thereof immediately before the words "if so ordered".

That is the end of the motion, Sir, and with your permission at this Report stage, in view of the immense amount of detail and work that was put in at Select Committee, I beg leave to speak briefly on the Report of the Select Committee.

If I may, Mr. President, dispose of one minor item first and that is the amendment contained in the motion to secure a minor typographical error which came to light in the Report after it had been circulated, but does not alter in any material degree the

HON. MICHAEL J. BRADLEY (CONTINUING): contents of the Report.

It the September Sitting of this Honourable Legislative Assembly, when the time came for committee stage it was unanimously moved that the Bill be referred to a Committee of the Elected Members of the House plus the Second Official Member who was appointed by yourself, Sir, as Chairman. The terms of reference of this Committee included not only the Bill, but to consider all other aspects relating to the misuse of drugs within these Islands and to any measures that could be taken to remedy or alleviate the problem that arose as a result thereof.

Mr. President, your Select Committee which I had the honour of chairing met four times in the following month. We worked long and intensively on it and I may take this opportunity to say that I was honoured to have the privilege of sitting as Chairman of that Committee. I found a sincere desire among all Members to try and look at the Bill and all aspects of drug abuse and bring back to the Honourable Members of this Legislative Assembly a Report and recommendations which would aim to look not only at the punitive aspects, but the reformative aspects that could be introduced into the legislation.

To that end, Mr. President, the Committee invited the opinions and the advice and help of two other persons who are deeply concerned and involved with the administration of the law, namely the Chief Justice and the Commissioner of Police. I am very pleased to say that both of these gentlemen gladly accepted. The Commissioner of Police appeared before us at our invitation. We discussed the Bill, the whole nature of drug offences and the measures that could hopefully be taken. The Honourable Chief Justice was kind enough to reply with a long, well thought-out and very helpful memorandum on the subject which was also considered, Sir, by your Committee and which we took very much into consideration in producing our Report.

If I may, Mr. President, for the benefit of persons who were not members of that Committee, very briefly go through the main headings that we considered and the matters that we considered should be inserted in it. The original Bill consisted of five clauses and was four pages long. The Report has attached to it the Schedule of the recommendations of changes of that Bill that we are making and as Members can see it is in fact in many ways unique that the committee stage amendments are in fact four times the original Bill. A considerable amount of thought and energy which I hope and have no doubt will be worthwhile was put into these amendments.

We firstly, Mr. President, approached the problem both on the basis that it should not only be punitive, but reformative. To this end the first matters that were considered by your Select Committee were the increases, both in maximum and minimum mandatory levels, of imprisonment in relation to offences which generally in the Bill sought to increase them considerably more than contained in the previous Law. Your Committee in general decided that with some exceptions the mandatory minimum penalties contained in the Bill should be brought down to a level consistent with the present Law, but that the maximum should be increased and in fact we have removed the interpretation in relation to offences concerning what is commonly known as hard drugs - heroine, cocaine and the like and not marijuana - the concept that to deal with commercial enterprises in such drug offences the Court may impose a fine without limit as to amount.

On the punitive side we also considered and tightened up the particular provisions relating to vehicles under the circumstances in which such vehicles can be confiscated, because in the past, Mr. President, there have been occasions in which a person has been charged, even though merely guilty of an offence, to secure himself the most

HON. MICHAEL J. DOWLING (CONTINUING): outside areas the whole, in which drugs were being transported, tempted by reason of the very demanding proofs that were contained in the law as it is at present.

While it is true to say that we increased minimum penalties both as regards fines and imprisonments, in view of the general attitude of the Committee that there should be a flexibility in the law two new concepts were introduced as amendments to the Bill before this Honourable Legislative Assembly. The first is that in relation to offences concerning soft drugs, that is marijuana, certain pills and the like, that if there is a first or a second offence than in certain circumstances if the accused can show cause as to special reasons why the mandatory minimum imprisonment should not be imposed then the court, upon stating that cause, can impose less than the mandatory minimum of imprisonment.

To go to the other end of the spectrum, Mr. President, in relation to certain offences for which in relation to hard drugs the potential maximum penalties were very high. Your Select Committee considered that there should be a provision whereby if the maximum penalty imposable was a term of imprisonment exceeding fifteen years that then in that case, in view of the long potential imprisonment possible, the accused person should have a right if he so wished not to be tried in the Magistrate's Court, but to elect for trial by jury in the Grand Court. To felt that if a person was in peril of such a long term of imprisonment that even though it is the wish of the community and of the Government that such cases be disposed of speedily and in a summary manner that the right of the individual in these long cases must also be preserved.

Mr. President, perhaps more important than anything else we have worked out in your Select Committee and have introduced rather lengthy amendments and additions of new sections to the Bill before this House, the concepts which have in strongly the support of reformation rather than punishment. These are relating to offences on soft drugs and they are the two concepts of Community Service Orders and Attendance Orders. If I may, Mr. President, deal with these briefly and completely.

In the amendments it is sought to provide that the court, if it is satisfied that satisfactory arrangements exist generally in relation to first offenders only, if the person is over seventeen and if it is an offence of consuming or having in their possession a small amount of soft drugs, then that the person, has the power to make a Community Service Order which means that if the Order is made then the person in respect of whom it is made is required to perform, for the benefit of the community at large and usually in the area in which he lives, unpaid work for a total period of between forty hours and two hundred and forty hours in the next twelve months after the Order has been made. The duties would be assigned to them by an appointed probation officer and would have to be performed within that time. The type of community service that is to be undertaken is not specifically spelt out in the amendment, Mr. President, but it is considered that it should be something that would be useful and of value to the community helping at old people's homes, helping to refurnish buildings, doing work of a nature which makes it clear that he is repaying his debt to society in an open and public manner by the use of his services instead of potentially being imprisoned and being a burden to society and not having it repaid to them.

There are other limitations, the consent of the person is required. He will be asked, Sir, whether he consents to making a Community Service Order. He will have the right to refuse: if he does refuse the court no doubt will take this refusal into account when deciding what sentence to pass.

HON. MICHAEL J. BRADLEY (CONTINUING): We have incorporated in it safeguards as regards educational attendance and religious beliefs that if a person religiously believe that he should not work on the Sabbath there will not be an Order made compelling him so to do. There will also not be an Order made in respect of people attending educational establishments which could in any way interfere with their education there.

That was one type of reformative concept that was introduced by your Committee at this Select Committee. The other is the concept of an Attendance Order. In this case the court can make an Attendance Order whether or not the accused consents. This again is generally related to first offenses. It is related to offenses concerning sex, but in this particular case there is a more general power to impose Attendance Orders.

The object of an Attendance Order is to require the person in respect of whom it is made to attend at a training centre, set up for that purpose or already established in one of our educational establishments, within a period of twelve months after the making of the Order for a period in total of such time as to sixty days as the court may think fit. The thinking behind it, Mr. President, is that when a person, the subject of an Attendance Order, goes to the place he is required to under the Order by the probation officer that there he will undergo instruction and rehabilitation in respect of his problem, as well as our problem, as a drug offender, that he will be educated or re-educated and we hope, by the facilities open there, to be a useful and conforming member of society.

The Attendance Order can also serve a second function and that is, Sir, while again it is not spelt out in detail in the Order, when the court having heard evidence is of the opinion that part of the problem relating to that offender is due to his attending or frequenting some place whereby he is being led into committing these offences, whether it be a dance hall, a bar or some place in our territory, Sir, that the court has power to make an Order for him to attend somewhere else at the times in which the activities that led him into trouble would normally be occurring.

Again, Sir, this is an attempt to re-educate and reform and not merely imprison. However, Mr. President, the final aspect of Community Service Orders and Attendance Orders is that there is a provision contained that if a person is in deliberate breach of the Order and refuses to cooperate, refuses to attend and refuses to undergo Community Service as he is so ordered, then a Magistrate before whom he is brought back again shall have power, in lieu of the Community Service Order or the Attendance Order, to impose a further penalty by way of fine or imprisonment.

I apologize, Mr. President, to my colleagues upon the Select Committee if I have gone over around that they have only two ears. I am only sorry they know it so well because they have worked so hard on it. I think them for their help and I commend this Select Committee Report and the adoption of my motion to this Honourable Legislative Assembly.

Thank you.

MR. PRESIDENT: My understanding is that in accordance with the terms of Standing Order 73(5) it is necessary that there should be somebody to second the motion. Is there a seconder?

MR. CRUDDOCK FINNIS: Mr. President, I will second the motion

HON. DENNIS H. YOSHIY: I do not think it is necessary.

MR. PRESIDENT: The motion is that the Report of the Select Committee on The Misuse of Drugs (Amendment) Bill, 1982 be adopted and that the recommendations contained therein also be adopted and that the amendments to the Bill contained in the Schedule to the Report be incorporated in the Bill with one amendment, namely that in the proposed new sub-section (7) to section 19 of the principal Law which is contained in the new Clause 3, the words "it shall" be inserted in line 7 thereof immediately before the words "if so empowered"

If the motion is proposed I will put the question. That is my interpretation of section 71(5).

No Member wishes to oppose the motion; I will put the question.

QUESTION PUT: AGREED. REPORT AS AMENDED ADOPTED.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I should like to move that the Third Reading of The Misuse of Drugs (Amendment) Bill, 1982 be taken forthwith.

THIRD READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1982.

HON. MICHAEL J. BRADLEY: Mr. President, in accordance with Standing Order 54 I beg to move that The Misuse of Drugs (Amendment) Bill, 1982 be now read a Third time and passed.

MR. PRESIDENT: The motion before the House is that The Misuse of Drugs (Amendment) Bill, 1982 be read for a Third time and passed.

Does any Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

GOVERNMENT MOTIONS

GOVERNMENT MOTION NO. 3/1982
APPOINTMENTS TO THE CINEMATOGRAPHIC AUTHORITY

CLERK: Government Motion number 3: appointments to the Cinematographic Authority.

HON. DENNIS B. POSTEN: Mr. President, I beg to move Government Motion number 3 of 1982 standing in my name and reading as follows:

> WHEREAS under section 3 of the Cinematographic Law, Cap. 18, provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly and one Member nominated annually by the Governor to carry out the stipulations of the above cited Law and Rules made thereunder;

HON. DENNIS E. FOSTER (CONTINUING):

BE IT RESOLVED that the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from this day, Friday the 30th of September, 1983 -

Mr. Craddock Thomas, JP
Mr. D.Dalmain Thomas
Mr. J. Gaston Smith

MR. PRESIDENT: The motion before the House is as follows -

WHEREAS under section 3 of the Cinematographic Law, Cap. 18, provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly and one Member nominated annually by the Governor to carry out the stipulations of the above cited Law and Rules made thereunder.

BE IT RESOLVED that the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from this day of Tuesday the 30th of November, 1982 -

Mr. Craddock Thomas, JP
Mr. D.Dalmain Thomas
Mr. J. Gaston Smith

Does any Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO.3/1982 PASSED.

GOVERNMENT MOTION NO. 4/1982
APPOINTMENTS TO THE LIQUOR LICENSING BOARDS

CLERK: Government Motion number 4: appointments to the Liquor Licensing Boards.

HON. TRUMAN M. BODDEN: Mr. President, in the absence of the original mover of this motion I beg to move that it be resolved that the following persons be nominated by the Legislative Assembly for the Liquor Licensing Board of Grand Cayman -

Mr. Craddock Thomas, JP
Mr. J. Gaston Smith
Mr. W.Norman Bodden, MBE

and for the Liquor Licensing Board of the Lesser Islands -

Capt Charles L Kirkconnell
Capt Sedley Ritch.

These, I believe, are substantially the Members who sere on before and I do not really wish to comment beyond that, Sir.

MR. PRESIDENT: The motion before the House reads as follows -

WHEREAS it is now necessary for appointments to be made to the Liquor Licensing Boards of Grand Cayman and the Sister Islands for the year 1981.

BE IT RESOLVED that the following persons be nominated by the Legislative Assembly -

For the Liquor Licensing Board of Grand Cayman

Mr Craddock Banks, JP
Mr. J. Cranston Smith
Mr. W. Norman Bodden, MBE

For the Liquor Licensing Board of The Sister Islands

Capt. Charles L. McKenneth
Capt. Sedley Pitch

Does any Member wish to speak?

MR. CRADDOCK BANKS: Mr. President, if I may just make a few brief remarks, I feel that when a Board is appointed by this Legislative Assembly or our Government as the case may be then it ought to have the authority to carry out the duties as best they see. I feel, Sir, that when a Board makes a decision if it is not in contravention of the law under which the Board may be operating then the decision of that Board is an order should stand.

I know one the Board suspended the license of a licensed premise for three months on frivolous grounds I would say. The excuse was that the manager was sick and he was not able to make an application. To me that is sufficient; nevertheless the Board felt with other reasons that the license should be suspended for three months. Something else happened, but I do not know just what happen, some hotshot of government was brought to the Board which gave them their license back. The question made that any other licensed premises which license had been suspended, the Board could be summoned to call a meeting at any time to consider hardships. Mr. President, would you or anybody else accept that if I was given the authorities to call the Board to have a meeting and I was to take the most beautiful house that could be found and give the Board my grievances that I was not able to send my children to school, that I could not send my wife to the hospital, that I did not have any money to do this and to do that, then what is the Board going to do but to grant the applicant his license back. We had to do that a few weeks ago to two that we suspended again for three months.

Mr. President, as far as I am concerned it does not make much difference whether we have a Board or not because our hands are tied and we cannot carry out what we feel is fair and right to both sides, the applicant and the public. In most instances the problems are created by the management of their own premises. They are cautioned and then they try to take back what they had lost. The applicant can do anything because under the condition they can get their license back and that is all there is to it.

MR. CRADDOCK EBANKS (CONTINUING): That is all I just wanted to say, Mr. President. I think, as I said, it is just wasting Members' time to sit on a Board to deliberate and argue about things and try to come to amicable conclusions for the best for all concerned and then in a few days the Board gets notice to call a meeting to deal with this and give the applicants their licences back.

I thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak? (PAUSE) If not I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 6/1982 PASSED.

GOVERNMENT MOTION NO. 5/1982
BONDING SUMS

CLERK: Government Motion number 5: Financial Year.

HON. TRUMAN M. BODDEN: Mr. President, I beg to move that it be resolved that this House do appoint a Select Committee consisting of the whole House to study the fee structure and fee collection system of the Health Department and report thereon to the Honourable House.

MR. PRESIDENT: Did the Honourable Member intend to say whole House or all Elected Members of the House and the Financial Secretary.

HON. TRUMAN M. BODDEN: Mr. President, I was going to put an amendment.....

MR. PRESIDENT: I am so sorry, very well.

HON. TRUMAN M. BODDEN: No, no, I will put it now if you wish and I would like to ask that the House, in accordance with Standing Order 9?, suspend Standing Order 25(9) to permit me to amend the words "whole House" to the "Financial Secretary and Elected Members of this Honourable House".

I do not think, Mr. President, that the amendment is one that is controversial and the reasoning is that it would probably take up time of the other two Official Members unnecessarily.

SUSPENSION OF STANDING ORDER 25(9)

MR. PRESIDENT: I will put the application to suspend Standing Orders first. The question is that in accordance with the provisions of Standing Order 9?, Standing Order 25(9) be suspended in order to enable the motion to be amended in such a way that the proposed Select Committee appointed consist of the Elected Members of the House and the Financial Secretary instead of the whole House.

Does any Member wish to speak on the question of suspending Standing Orders? If not I will put that question.

QUESTION PUT: AGREED. STANDING ORDERS SUSPENDED.

HON. TRUMAN M. BODDEN: Mr. President, I now wish to move the amendment to Government Motion number 5 by deleting the words "Whole House" and replacing them with the words "the Honourable Financial Secretary and the Elected Members of this Honourable House".

MR. PRESIDENT: Do you wish to speak at all to the substantive motion or did you plan to do that afterwards?

HON. TRUMAN M. BODDEN: Yes, Sir, I would wish to speak on the substantive motion once.....

MR. PRESIDENT: Once we have done the amendment.

HON. TRUMAN M. BODDEN: ..... the amendment - yes, Sir.

MR. PRESIDENT: First then let us deal with the amendment and the amendment proposed is that the words "Whole House" be deleted and in their place be substituted "the Honourable Financial Secretary and the Elected Members of this Honourable House".

Does any Member wish to speak to that amendment? If not I will put the question that the motion be amended as proposed.

QUESTION PUT; AGREED. PROPOSED AMENDMENT TO GOVERNMENT MOTION NO. 5 PASSED.

HON. TRUMAN M. BODDEN: Mr. President, it has been six years since the hospital fees have been revised. The central part of the motion sets out that the Government now subsidises the Health Service to the extent of 92%.

I believe that the Select Committee is the best way of dealing with a review of the fee amount and fee collection system of the Health Department. We would also have the opportunity, if we wished, of asking witnesses or persons who may assist the Select Committee in appearing before the Select Committee and giving evidence.

The decision really, on this motion, is not as such a substantive one as to whether or not it should be altered, but merely a resolution that a Select Committee be appointed to go into the fee structure and the fee collection system and Report back to the House after which the House would then act upon the recommendations of that Select Committee.

I do appreciate that the House is getting near to the end of the year and I would ask that if this motion is carried that we could deal with it as early as possible so that if at all possible I could get a Report back to this House on it, Sir.

Thank you.

MR. PRESIDENT: The motion before the House as amended is as follows -

> WHEREAS the hospital fees have not been revised since 1st January, 1975;
>
> AND WHEREAS the Health Service is now subsidised to the extent of 92% with a total annual expenditure of $3,258,794;
>
> NOW THEREFORE BE IT RESOLVED that this House do appoint a Select Committee consisting of the Honourable Financial Secretary and the Elected Members of this Honourable House to study the fee structure and fee collection system of the Health Department and Report thereon to this Honourable House.

MR. PRESIDENT (CONTINUING): Does any Member wish to speak to the motion?

MR. BENSON O. FRANKS: Mr. President, as the mover has said the year is getting on, the Session is getting on, we have a number of Committees now functioning with the hope that they will be able to Report before the end of the year or the end of this Session. It seems to me that this is one Committee that really need not be.

As far as I understand it the medical fees or the fees of the hospital can be fixed or are fixed by the Governor in Council under the Health Law and the Member seems to have all of the relevant facts which are necessary for him to make such a recommendation to the Executive Council. We know that fees Government subsidizes Health Services to the extent of 50%, he knows that the sum of $3,958,734 are spent annually on the Services. So it seems to me, Mr. President, that really all that is lacking at this point is the will of the Member to recommend to Executive Council his findings on the hospital fees.

I do not believe that the Member consulted or suggested that any Member on this side have any discussion about the removal of duty on the articles that were removed during this Session. We would have liked to have had an input into that, Sir. Members have tried in the past to have an input in what is to be removed.

As far as I am concerned, Sir, the imposition of fees if this is what is intended should be borne by the parties on whom the responsibility falls. If the intention is to lower the fees then maybe the Member would tell us by round-robin or whatever and I am sure we would look on that as it should be looked on. But this, Mr. President, as I said is a task that can be solved other than through this Committee procedure and I think that for that reason I would have to oppose the motion.

MR. PRESIDENT: Does any other Member wish to speak?

CAPT. CHARLES L. YEOMANS: Mr. President, I too have to agree with what the Third Elected Member for West Bay just said. I feel totally inadequate to get into a Select Committee, study the fee structure and the fee collection. This is a duty that should be done administratively by this Government.

We have qualified experts in this field; we have an administration that is capable of doing this task and I see no reason why this onerous task and above all what apparently they are trying to avoid is getting the blame for raising the fees. Why should it be put on every Member of the Legislative Assembly? You must accept the good with the bad which is part of the job. So he must get on with the job and leave the Select Committee out of this one, Sir.

MR. PRESIDENT: Does any other Member wish to speak?

MR. CRADDOCK EBANKS: Mr. President, here again I must reiterate my statement made a few days ago. We are paying people to do a job that they are not doing as has just been mentioned.

As I have been made to understand there are staff appointed for that to collect the hospital fees, but it seems that nobody is interested in collecting these fees. Patients will go in and walk out and that is it.

I have been told that maternity cases will report itself and not one penny is paid. I ask how can any a department, having as has been said qualified people to fill the various posts to do a job and look after these things, then it can be said

MR. CHADDOCK EBANKS (CONTINUING): that they are not being done. I would not object to a Committee going into this because I would like to put across some of my views and my feelings on negligence of things not being done the way they should be done or on things being done better than they should have been done.

So, Mr. President, with these few remarks I give my support to this and when we get into Committee to find out something more and if there is anything we can do to improve it, well then we can do it.

I thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak? (PAUSE). Does the Honourable mover wish to reply?

HON. TRUMAN M. BODDEN: Thank you, Mr. President.

I am caught somewhat by surprise. The general consolidated forceful argument of my fellow colleagues has always been let us participate more in Government. Now they get it they do not want it. Every duty carries with it its burdens and if you want the good you have to face the public if it is bad.

It really is a bit interesting because most of the allegations against us is that we do not do precisely what I am now trying to do and now that I have tried to do it I have been told it is not wanted.

In any event, Mr. President, these fees affect a large percentage of the public and I think it would be good to spread that burden amongst twelve and have it looked at in a way which I think, perhaps in the light of complaints in this area by just about all Members here over the past few years, would give them an opportunity of going into the matter fully. In fact today has been a very surprising one because I was also recommended to give Executive Council the power to make further Regulations; so maybe half way through our time in office the light may be dawning that we are not all that bad after all and we should be delegated a few of these discretions which were a bit afraid to be delegated in the past.

So I am asking Members to look at it in that light and support the motion so that we can get into it. Thank you.

MR. PRESIDENT: The motion before the House reads as follows as amended -

WHEREAS the hospital fees have not been revised since 1st January, 1976:

AND WHEREAS the Health Service is now subsidised to the extent of 92% with a total annual expenditure of $3,958,794:

NOW THEREFORE BE IT RESOLVED that this House do appoint a Select Committee consisting of the Honourable Financial Secretary and the Elected Members of this Honourable House to study the fee structure and fee collection system of the Health Department and Report thereon to this Honourable House.

I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 5/1989 PASSED, BY MAJORITY.

MR. PRESIDENT (CONTINUING): That concludes the items on our Order Paper. Before the adjournment is moved I think it would be desirable that we adjourn until Friday because a number of Members may be away. Is that correct?

HON. DENNIS H. FOSTER: I thought, Sir, that the Third Official Member had in mind to start Finance Committee on Friday .....

MR. PRESIDENT: Yes, well .....

HON. DENNIS H. FOSTER: ..... so the House would actually be adjourned for a date to be advised by the Clerk, but then Finance Committee . . . . .

MR. PRESIDENT: Well you have made my point. My second point was going to be that it might be convenient on Friday that we would not go into business tomorrow on Thursday when I think a number of Members are going to be otherwise engaged and that it might be convenient on Friday to have Finance Committee rather than a Meeting of the House. But if we could adjourn the House or move a motion to adjourn the House to a date to be advised, perhaps in a few minutes time we could have our Informal Meeting at the time I suggested this morning and we could then run quickly through a timetable for Finance Committee and other Select Committee business and for the remaining business that the House itself has got and agree to programme. That might enable us to decide when the House itself would meet again.

HON. THOMAS C. JEFFERSON: Mr. President, may I suggest that Finance Committee be held perhaps early Friday morning rather than ten o'clock? If it is the Members' wish we could start at nine o'clock.

MR. PRESIDENT: Well we could perhaps discuss that outside informally because at the moment all we need do is adjourn the House. Any another ....., yes?

HON. TRIMAN M. BODDEN: I was just wondering whether you may wish to appoint a Chairman of the Select Committee or whether you would leave it to us under the Standing Orders?

MR. PRESIDENT: You are quite right. I am so sorry I forgot that and I would like to appoint you as the Financial Secretary. I think I will appoint the Honourable Second Elected Member of Executive Council to Chair the Committee. Thank you for reminding me.

If we could now move the adjournment of the House and we will discuss informally later the timing of Finance Committee's Meeting.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House to a date to be notified by the Clerk, Sir.

MR. PRESIDENT: The motion is that this House be now adjourned to a date to be notified by the Clerk.

QUESTION PUT: AGREED. AT 3:45 P.M. THE HOUSE ADJOURNED TO A DATE TO BE NOTIFIED BY THE CLERK OF THE LEGISLATIVE ASSEMBLY.

MR. PRESIDENT: I suggest we now go for a few minutes for refreshments and then meet in the Committee Room informally.

BUDGET SESSION AND
FOURTH MEETING OF THE (1982) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON THURSDAY, 9TH DECEMBER, 1982

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG - PRESIDENT

GOVERNMENT MEMBERS

HON. DENNIS H. FOSTER, CBE., JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. THOMAS C. JEFFERSON	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. 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. 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. C.L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRY B. 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

*APOLOGIES RECEIVED FOR THE AFTERNOON MEETING.

ORDERS OF THE DAY

SIXTH DAY - THURSDAY, 9TH DECEMBER, 1982

1. (a) REPORTS OF COMMITTEES:

(i) Report of the Finance Committee on the Draft Estimates for 1983 and the Appropriation (1983) Bill, 1982. (Meetings held on 3rd and 8th December, 1982);

(ii) Report of Select Committee on the WATER AUTHORITY BILL, 1982;

(iii) Report of Select Committee on HOSPITAL FEES.

(b) PAPERS:

Cayman Airways Limited and Cayman Air Holdings Company Limited Accounts 1981 and 1982;

TO BE LAID ON THE TABLE.

2. GOVERNMENT BUSINESS:

(a) Bills:-

(i) THE CUSTOMS (AMENDMENT) BILL, 1982 (COMMITTEE THEREON)
(ii) THE LITTER BILL, 1982 (COMMITTEE THEREON)
(iii) THE NOTARIES PUBLIC BILL, 1982 (COMMITTEE THEREON)
(iv) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1982 (COMMITTEE THEREON)
(v) THE OATHS (AMENDMENT) BILL, 1982 (COMMITTEE THEREON)
(vi) THE TRAFFIC (AMENDMENT) BILL, 1982 (COMMITTEE THEREON)

REPORTS THEREON

(i) THE APPROPRIATION (1983) BILL, 1982
(ii) THE WATER AUTHORITY BILL, 1982
(iii) THE CUSTOMS (AMENDMENT) BILL, 1982
(iv) THE LITTER BILL, 1982
(v) THE NOTARIES PUBLIC BILL, 1982
(vi) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1982
(vii) THE OATHS (AMENDMENT) BILL, 1982
(viii) THE TRAFFIC (AMENDMENT) BILL, 1982

THIRD READINGS

(i) THE APPROPRIATION (1983) BILL, 1982
(ii) THE WATER AUTHORITY BILL, 1982
(iii) THE CUSTOMS (AMENDMENT) BILL, 1982
(iv) THE LITTER BILL, 1982
(v) THE NOTARIES PUBLIC BILL, 1982
(vi) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1982
(vii) THE OATHS (AMENDMENT) BILL, 1982
(viii) THE TRAFFIC (AMENDMENT) BILL, 1982

(b) GOVERNMENT MOTION:

GOVERNMENT MOTION NO. 6/1982: To be moved by the Second Official Member -

"In accordance with the provisions of Standing Orders 24(1) and 69(1), it is moved that the House do appoint a Select Committee consisting of the twelve Elected Members and the Attorney-General to consider such amendments as may be necessary or desirable to the Caymanian Protection Law following the coming into effect in the United Kingdom on 1st January, 1983, of the British Nationality Act, 1981 and also to make such other recommendations as it thinks fit on all matters contained in the Caymanian Protection Law or which relate to Caymanian Status, Gainful Occupation Licences, Immigration and Deportation.".

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THURSDAY, 9th DECEMBER, 1982

10 a.m.

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

REPORT OF COMMITTEES

FINANCE COMMITTEE

HON. T. C. JEFFERSON: Mr. President, I beg to lay on the Table the reports of Finance Committee, the first is for the 3rd of December and the 6th of December, 1982.

MR. PRESIDENT: So ordered.

HON. T. C. JEFFERSON: Mr. President, a number of Heads of Departments were in attendance at the Finance Committee while dealing with the draft Estimates and the Committee resolved that
HEAD 1. a total of $148,678 be approved
HEAD 2. ADMINISTRATION - INTERNAL AND EXTERNAL AFFAIRS, that sub-head 7 be reduced by $73,844 which provides sufficient funds for the contract of the Cayman Islands News Bureau through the 31st of August, 1983.
The total Head approved sum was $536,736.
HEAD 3. BROADCASTING DEPARTMENT: A sum of $378,921 was approved.
HEAD 4. IMMIGRATION DEPARTMENT. $471,138 was also approved.
HEAD 5. LEGISLATIVE DEPARTMENT $263,674 was also approved.
HEAD 6. PERSONNEL & OFFICE SERVICES an approval for $1,784,254
HEAD 7. There was a minor amendment in the explanatory notes only. The sum approved was $3,023,728
HEAD 8. PRISONS. $944,018 was approved.
HEAD 9. DISTRICT ADMINISTRATION. $1,611,666 was approved.
HEAD 10. FINANCE AND DEVELOPMENT. A minor amendment to the Explanatory Note. Total sum approved $4,871,734.
There were no amendments on HEADS 11 through 17 and the approvals are -
CUSTOMS DEPARTMENT - $441,798
JUDICIAL DEPARTMENT - $286,882
LEGAL DEPARTMENT - $220,432
ADMINISTRATION, HEALTH EDUCATION AND SOCIAL SERVICES - $430,826
EDUCATION DEPARTMENT - $5,192,901
PERSONAL HEALTH SERVICES - $3,960,023
SOCIAL SERVICES - $586,800
HEAD 18. ADMINISTRATION, AGRICULTURE AND NATURAL RESOURCES. There was an increase in Sub-Head 7 to cover the costs of the Washington Consultant fees of $63,000. The total sum approved for that Head was $308,026.
HEAD 19. DEPARTMENT OF AGRICULTURE. Sub-Head 12 was also increased by $12,000 to cover the cost of laying sod at the cemetery. The total sum approved was $357,655.
HEAD 20. LANDS AND SURVEY. $439,832 was approved.
HEAD 21. MOSQUITO RESEARCH AND CONTROL UNIT. $1,349,749 was approved.
HEAD 22. PLANNING DEPARTMENT. There was a suggestion that the Development and Planning Law should be amended to provide for review of the Development Plan whenever necessary rather than every five years as at present. The sum approved was $157,360.
HEAD 23. TOURISM AVIATION AND TRADE. Sub-Head 7 was decreased. Sub-Head 7 deals with Trade and Industry Promotion. The contract of Mr. Stinson, the Committee felt, was not to be renewed at the termination thereof on the 31st of December, 1982. The vote was therefore reduced by $30,000. Total approved was $731,120.

Approval was given to HEADS 24 to 26 and they are -
CIVIL AVIATION DEPARTMENT - $1,015,319
DEPARTMENT OF TOURISM - $2,687,056
FIRE SERVICE DEPARTMENT - $249,401
COMMUNICATIONS AND WORKS - $306,968
POSTAL DEPARTMENT - $686,816
HEAD 28, PUBLIC WORKS DEPARTMENT. Sub-Head 6 dealing with street lighting was increased by $15,000 making a total provision for that Sub-Head of $100,000. The total approved was $1,809,330.
HEAD 40. CAPITAL EXPENDITURE. There was a reduction in the Sub-Head 6 dealing with Government vehicles. The sum was reduced by $75,000 for the Cayman Brac allocation and Sub-Head 18, Construction of Roads, Cayman Brac, the allocation of $330,000 was increased by $12,000 and the provision of $12,000 under Item 31, Cemetery Vaults for Cayman Brac, deleted. The allocation under the Item was fixed, that is Construction of Roads, at $342,000 for 1983.
Sub-Head 21. Improvement of Harbours. The Committee recommended that the work should not be undertaken in Little Cayman until the land had either been leased for a long period or purchased and no funds should be released unless an acceptable agreement had been reached.
Sub-Head 25. Airconditioners - Government Buildings. The Committee recommended that the matter of the malfunctioning of the airconditioning unit at the Government Offices be looked into.
Sub-Head 29. Public Lavatories. There was an amendment of the Explanatory Note to include a $10 token figure for the George Town area.
Sub-Head 43. Broadcasting Station. A further recommendation that the Director of the Radio Broadcasting Station be asked to discontinue the Open Line Programmes. While there was no indication of controlling the Radio Station, Members expressed concern that this type of programme was a high risk one.
Sub-Head 45. Airport Improvement - Cayman Brac. Increased by $75,000 taken from Sub-Head 6 previously commented on, making a total for that vote of $85,000.
Sub-Head 57. Traffic Improvement. There was a recommendation by the Committee that consideration be given to the erection of 'walk' and 'no walk' signs.
Total HEAD 39 approval was $11,020,916 from Local sources.
LOAN FUNDS - GENERAL. $2,861,300 was approved.
EUROPEAN DEVELOPMENT FUND. $500,000 was approved.
GRANT AID. $46,300 was approved.

NEW SERVICES

Turning to New Services, Mr. President -
HEAD 4 - IMMIGRATION DEPARTMENT. $92,552 was approved.
HEAD 7 - POLICE DEPARTMENT. $79,805 was approved.
HEAD 8 - PRISON SERVICE. $68,195 was approved.
HEAD 9 - DISTRICT ADMINISTRATION. $20,634 was approved.
HEAD 10 - FINANCE AND DEVELOPMENT. $2,198 was approved.
HEAD 13 - LEGAL DEPARTMENT. $20,076 was approved.
HEAD 14 - PERSONAL HEALTH SERVICES. $91,144 was approved.
HEAD 17 - SOCIAL SERVICES. $4,378 was approved.
HEAD 20 - LANDS AND SURVEY DEPARTMENT. $5,416 was approved.
HEAD 21 - MOSQUITO RESEARCH AND CONTROL UNIT. $8,160 was approved.
HEAD 24 - CIVIL AVIATION DEPARTMENT. The sum requested was reduced by $8,000 which covered vehicle maintenance. The sum approved was $16,854.
HEAD 25 - DEPARTMENT OF TOURISM. $35,506 was approved.
HEAD 26 - FIRE SERVICE DEPARTMENT. $93,711 was approved.

HEAD 37 - COMMUNICATIONS AND WORKS. $17,700 was approved.
HEAD 39 - PUBLIC WORKS DEPARTMENT. $40,144 was approved.
TOTAL NEW SERVICES APPROVED $57,859.

The Schedule of the Appropriation (1993) Bill, 1992 as amended was approved and Clause 1 was approved. Clause 2 was also approved. This is the Report, Mr. President.

HON. D. . FOSTER: Mr. President, I would like to ask leave of the chair, Sir, to comment on two items. Maybe you might like to consider the leave under Standing Order 12(g).

MR. PRESIDENT: Leave granted.

HON D. H. FOSTER: Mr. President, I refer specifically to item 20 on page three of the Report.

Earlier on in this Session, this was debated and I explained to this House that negotiations were going on regarding the land and I gave my assurance that nothing would be done on it unless it was a perfectly acceptable agreement. And here, Sir, it is spelt out by the Finance Committee. I can only say that it is my feeling that it is a complete vote of no confidence in me, Sir.

The next item, Sir, is 21. It is said here that there is no intention of controlling the Radio Station. Members expressed concern in the type of programmes, but then yet still we are asked to discontinue a programme. I thought the Finance Committee, Sir, was to vote money or not to vote it and if they are not happy with the Radio Station and has it is being operated, then do not vote the money and close it down, Sir. Thank you.

MR. PRESIDENT: If no other Member wishes to speak, my understanding is that we go on to the next Report.

HOSPITAL FEES

HON. TRUMAN M. BODDEN: Mr. President, I wish to present to this Honourable House, as Chairman of the Committee to consider the fee structure and fee collection system of the Health Department, the Report together with the minutes of proceedings of the House and I move that the recommendations contained therein be adopted in accordance with Standing Order 72(5).

I may have taken my Fourth Elected Member friend's place on the list for which I apologise, but the if the House has no objection I just .....

MR. PRESIDENT: I thought you had jumped the gun, but he did not look unduly worried and I did not think the House would object. I think the Report on the Water Authority Bill should have come first according to the Order Paper. But with the House's leave, perhaps now that we have gotten out of order we can continue with the Hospital Fees' issue.

The motion is that the House adopt the Report of the Select Committee on Hospital Fees in accordance with the provisions of Standing Order 72(5). I think that is correct.

Does any Honourable Member wish to speak to this motion?

If not, in this instance, I will put the question and the question is that in accordance with the provisions of Standing Order 72(5) the recommendations in the Report of the Select Committee appointed to consider the fee structure,

MR. PRESIDENT (CONTINUING): and fee collection system of the Health Department as contained in the Select Committee's Report should be adopted.

Will those in favour please say "aye"? Those against "no". The "ayes" have it.

Perhaps the Fourth Elected Member of Executive Council would now like .....

THE WATER AUTHORITY BILL, 1982

HON. G. HAIG BODDEN: Mr. President, I beg to report that a Select Committee examined the Water Authority Bill on the 7th of December, 1982. The Committee approved the Bill clause by clause with some amendments. I would like to move that the Bill as printed and that the Report as presented to the House be adopted by the House and that the amendments made in the Select Committee be deemed to be a part of the Bill.

Mr. President, I should have added that this is made under Standing Order 72(5).

MR. PRESIDENT: Forgive me I am not quite sure - to the Honourable Member in effect proposing that we deal now substantively with the matter so that we shall not have to revert to it later? Under item 3(n)(ii) of the Order Paper it says Report Thereon on the Water Authority Bill, 1982. Is the intention that we in fact deal with it now so that we could thereafter proceed to Third Reading?

HON. G. HAIG BODDEN: I think that would be the short course, Mr. President, however if you .....

MR. PRESIDENT: Yes, it probably would be the short course and the simplest course and if the House is content with that course, I think that is the course which we follow. You took me slightly by surprise because I had seen it twice on the Order Paper and had been expecting simply a formal laying of the Report at this stage and reversion to it later. But, your motion is that in accordance with the provisions of paragraph (5) of Standing Order 72, the Report of the Select Committee of the Whole House which was appointed to consider the Water Authority Bill, 1982 should be adopted and that the various amendments to the Bill as set out in the Committee's Report should be deemed to be part of the Bill. Am I correct?

HON. G. HAIG BODDEN: You are correct, Sir.

MR. PRESIDENT: Does any Honourable Member wish to speak to the motion?

If not, I will put the question. Will those in favour say "aye". Those against "no". The "ayes" have it.

PAPERS

CAYMAN AIRWAYS LIMITED AND CAYMAN AIR HOLDINGS COMPANY LIMITED

HON. T. C. JEFFERSON: Mr. President, I have been asked by the Member for Tourism, Aviation and Trade to table the accounts of Cayman Airways for 1981, namely, Cayman Airways Limited

HON. T. C. JEFFERSON (CONTINUING): Financial Statement for 30th June, 1981, Cayman Air Holdings Limited Financial Statement for the same period and Cayman Airways Limited and Cayman Air Holdings Limited combined Financial Statement for the fiscal year ended June, 1981.

Also, Mr. President, for the year ended June, 1982, statements for Cayman Airways Limited, Cayman Air Holdings Limited and Cayman Airways Limited and Cayman Air Holdings Limited combined Financial Statement for that fiscal year.

MR. PRESIDENT: So ordered.

BILLS

M . PRESIDENT: Bills.
The House will now go into Committee to study a Bill entitled The Customs(Amendment) Bill, 1982 and various other Bills.

COMMITTEE THEREON

THE CUSTOMS (AMENDMENT) BILL, 1982

MR. CHAIRMAN: The House is now in Committee. The Customs (Amendment) Bill, 1982.

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF FIRST SCHEDULE.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE CUSTOMS LAW (REVISED).

QUESTION PUT: AGREED. TITLE WAS PASSED.

THE LITTER BILL, 1982

MR. CHAIRMAN: The Litter Bill, 1982.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. OFFENCE FOR LITTERING PUBLIC PLACE.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. OFFENCE FOR LITTERING PREMISES.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. GENERAL AS TO OFFENCES AGAINST SECTIONS 3 AND 4

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. OFFICER MAY ENFORCE REMOVAL OF LITTER.

QUESTION PROPOSED:

HON. TRUMAN M. BODDEN: Mr. Chairman, I think the Honourable Member from North Side did mention that in line 6 he may wish to alter the word "may" to "shall". If that is the wish of the House I would ask that despite the fact that two days notice of the amendment was not given that we be permitted to alter it. And I will put the formal motion .....

MR. CHAIRMAN: I have a note that there was comment that "may" should be "shall" and I would give leave for a motion to be put in view of that. If the Member wishes to move one - I am not sure whether the Member from North Side wishes to or whether the Member in charge of the Bill.

HON. TRUMAN M. BODDEN: Mr. Chairman, you have the power under Standing Order 52(2) to consent despite the fact that two days .....

MR. CHAIRMAN: I was trying to indicate that I would be happy to give consent.

HON. TRUMAN M. BODDEN: With that consent I would therefore move that the word "may" where it appears in line 6 of subsection (1) be deleted and replaced by the word "shall".

MR. CHAIRMAN: The motion is that clause 6(1) of the Bill be amended by deleting the word "may" in line 6 and substituting for it the word "shall". Does any Honourable Member wish to speak to that amending motion? If not I will put the question on .....

MR. CRADDOCK EBANKS: Mr. Chairman, my reason for that is because in my view where the word "may" arises in all laws it just seems to be overlooked and very little is done about it. I feel that it should be used to its full effect and by inserting the word "shall" there ought not to be any grounds for getting around it when it is demanding that it "shall" be done.

MR. CHAIRMAN: I remember it was you who originally made this suggestion.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman there are other 'may's' in this particular section and I think it was the intention to substitute the word "shall" wherever the word "may" appeared. For instance, Sir, in subsection (2) "A notice in writing may be served .....". I think the intention is to substitute "shall" for "may".

HON. TRUMAN M. BODDEN: Mr. Chairman, if I may assist here, this subsection (2) is slightly different in that he can choose one of three modes of service of the notice.

MR. CHAIRMAN: I would have thought that subject to local advice that in subsection (2) it was slightly different and if you put "shall" you might get into difficulty.

HON. THOMAS M. BODDEN: Mr. Chairman, if that is passed then there would be a consequential amendment to the marginal note. The word "shall" put in for "may".

MR. CHAIRMAN: And I think that in subsection (3) of the clause where the word "may" appears, it is more akin to subsection (2) than to subsection (1) in that the substitution in subsection (3) of the word "shall" for the word "may" would cause some difficulty. So I think it is only subsection (1) that we need to make the change subject to the views and wishes of Honourable Members.

Perhaps initially I may put the question in respect to subsection (1) alone and then if any Honourable Member wants to move a further amendment to change "may" to "shall" in another subsection he or she can do so.

So I will put the question first that subsection (1) of clause 6 be amended as proposed, that is to say by the substitution of the word "may" in line 6 of the word "shall".

HON. MICHAEL J. BRADLEY: And perhaps, Mr. Chairman, in the margin note thereto.

MR. CHAIRMAN: And in the marginal note similarly the substitution of the word "shall" for the word "may".

Will those in favour of that amendment please say "aye"? Those against "no"? The "ayes" have it.

Does any Member wish to move a further amendment or speak further on the clause?

QUESTION PUT: AGREED. CLAUSE 6 AS AMENDED PASSED.

CLERK: CLAUSE 7. POWER TO ENTER PREMISES.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. POWER OF OFFICER TO REMOVE DERELICT VEHICLES.

QUESTION PROPOSED:

HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, that I have a note from the Second Reading that Members thought that they might wish in line 6 of this also to change "may" to "shall".

MR. CHAIRMAN: I would give consent to the moving of an amendment if that were wished.

HON. MICHAEL J. BRADLEY: Thank you, Sir. With the consent of the Honourable Mover of the Bill .....

MR. CHAIRMAN: Yes, I think you have that.

HON. MICHAEL J. BRADLEY: I would so move that the word "shall" in line 6 thereof be substituted for the word "may" and also that in the margin note thereto that the words "Power of" be deleted and the words "Duty of" substituted.

MR. CHAIRMAN: Does any Honourable Member wish to speak to the amendments?

MR. CRADDOCK EBANKS: Mr. Chairman, I expressed my feelings that it ought to be made as hard as possible for any vehicle that is left on the roads and I feel, Sir, that twenty-four hours notice that is in this is reasonable for anyone to have their vehicle moved. If the accident caused the driver or the owner to be hospitalised there must be some relative or someone to see that the vehicle is moved and if it is not moved within twenty-four hours some penalty ought to be put in such as $50 per day for as long as the vehicle remains there. In fact I would suggest that it be more because I see too many vehicles lying in the roads. It is a hazard and unsafe for other motorists using the roads. And I am of the opinion, Sir, that if we do not use measures to let these type of drivers and vehicle owners realise that they cannot jeopardise the lives and safety of other motorists then .....

MR. CHAIRMAN: If I could interrupt the Honourable Member for the moment. What I have actually been asking Members is whether they wanted to speak to the amendment that the word "may" in the sixth line of subsection (1) of clause 8 should be altered to "shall". We could come back if that amendment were accepted to the substantive motion and I think it is really on the substantive motion that you are speaking.

MR. CRADDOCK EBANKS: Well, I think I probably stepped a little ahead and I apologise, Sir.

MR. CHAIRMAN: I have taken your point.

So on the amendment which is that the word "may" in line 6 of subsection (1) of clause 8 should be deleted and the word "shall" be inserted in its place and that in the marginal note the word "Power" be deleted and the word "Duty" be substituted for it. If no Honourable Member wishes to speak to that amendment, I will put the question.

QUESTION PUT: AGREED. CLAUSE 8 (1) AS AMENDED PASSED.

MR. CHAIRMAN: We now return to the substantive clause and the question now is whether clause 8 as amended should stand part of the Bill. Does any Honourable Member wish to speak further on that?

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I question again, Sir, the word "may" in subsection (2) line 10, "the Crown may thereupon recover summarily". Should that not be changed from "may" to "shall"?

HON. MICHAEL J. BRADLEY: With due respect, Mr. Chairman, I do not think we can put "shall" in because it is presuming the verdict of the Court. The Crown brings proceedings as a civil debt in the Summary Court and it is up to the Court to determine. The "may" there gives the Crown the right to take the proceedings, but I do not think we should put in "shall" which would infer that the Court had no power to determine whether it was a fair debt or not.

MR. CHAIRMAN: Is that so? Is not the "may" that he may remove the derelict vehicle?

HON. MICHAEL J. BRADLEY: No. It was the "may" before "the Crown may" I think the Member was referring to and which reference I was referring to.

MR. CHAIRMAN: Oh, I thought it was "an Officer may, without prejudice". Perhaps I misunderstood. There are two "may's" in subsection (2). To which one was the Member referring?

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, 8(2).

MR. CHAIRMAN: But there are two may's. There is a "may" in the 7th line and there is another "may" in the 10th line. Were you referring to the one in the 10th line?

CAPT. CHARLES L. KIRKCONNELL: The 10th line.

MR. CHAIRMAN: Well, I ben your pardon then. I take your point. But I think if you referred to the one in the 7th line you might have a problem.

HON. MICHAEL J. BRADLEY: Mr. Chairman, in relation to the 7th line "may", if ou impose "shall" there you are imposing the duty on the Officer to remove the vehicle instead of first of all saying the owner shall,if he fails to do it then the Officer may do it.

MR. CHAIRMAN: But you are imposing the duty on the Officer only if the owner has failed, surely? Because subsection (2) does not come into operation at all until the owner fails.

HON. MICHAEL J. BRADLEY: Point taken, Sir.

MR. CHAIRMAN: I am not expressing a point of view either way as to whether it is a good thing or not, but if one wants to be sure that the things are removed, you could say that an Officer shall remove it after the time limit.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, this is exactly what I was coming to. The vehicle should be removed. If the owner does not remove the vehicle then an Officer .....

MR. CHAIRMAN: Ought to remove it.

CAPT. CHARLES L. KIRKCONNELL: He shall, and make it compulsory that it shall be removed as a menace to other users of the road.

MR. CHAIRMAN: Well, if you wish to move an amendment to that effect, I would certainly be prepared to give leave as I have given leave to others who wished to move amendments.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I would like to move an amendment that in line 7 of subsection (2) substitute "shall" for "may".

MR. CHAIRMAN: The motion is that subsection (2) of clause 8 of the Bill be amended by substituting for the word "may" in the 7th line of that subsection the word "shall". Does any honourable Member wish to speak?

Then I will put the motion as to the amendment of line 7, subsection (2) of clause 8 that the word "may" be deleted and the word "shall" substituted therefor.

QUESTION PUT: AGREED. CLAUSE 8(2) AS AMENDED PASSED.

MR. CHAIRMAN: The motion now is that clause 8 as amended both in subsections (1) and (2) stand part of the Bill. If no Member wishes to speak further, I will put the question.

QUESTION PUT: AGREED. CLAUSE 9 AS AMENDED PASSED.

CLERK: CLAUSE 6. GENERAL POWER TO REMOVE DERELICT VEHICLES.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, should we not substitute "shall" for "may" in this section?

MR. CHAIRMAN: I thought not myself.

HON. MICHAEL J. BRADLEY: Mr. Chairman, this section is envisaged as a residual emergency power in the Officer where the circumstances are such that it is not practical to give the normal notices. If a vehicle was in such a position as I understand it, subject to what the Honourable Mover says, a danger to traffic and the owner could not be found, but he can without notice do it. I do not think we should say that he "shall at any time without giving such notice remove".

MR. CHAIRMAN: Does any Honourable Member wish to speak further to clause 9? If not I will put the question that clause 9 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. DISPOSAL OF REMOVED VEHICLES.

MR. CHAIRMAN: The question is that clause 10 stand part of the Bill. If no Honourable Member wishes to speak ....., yes?

MR. BENSON O. EBANKS: I just have one question on this section, Mr. Chairman. I am wondering whether the mover of the Bill and the Second Official Member are satisfied to leave the power of determination of ownership to someone who seems to me who could possibly be a junior officer in the service and possibly involve Government in some expense labour down the road if the decision is incorrect.

HON. MICHAEL J. BRADLEY: Would Honourable Members prefer, Mr. Chairman, if we say substituted by "satisfies the Member responsible", or the Financial Secretary?

I think probably in practical experience, Sir, this should not be a difficulty because the officer would be told administratively that the proof of ownership is the registration book and the owner identifies himself as the person named in the book.

MR. CHAIRMAN: That is just what I was thinking to myself that it should not be very difficult to satisfy yourself who is the owner of the motor vehicle.

And would it help at all if one puts "satisfies him that he is its registered owner"? That would draw the officer's attention to the need to go to the motor vehicle registry to check.

Would that help meet the Member's point?

MR. BENSON O. EBANKS: If the Members are satisfied. I am just raising the point, Sir, because derelict vehicle in the interpretation means an abandoned vehicle and I doubt whether you are going to find any registration book in an abandoned vehicle.

HON. MICHAEL J. BRADLEY: It would be, Sir, up to the person claiming it to produce the evidence, the registration, I would think.

MR. CHAIRMAN: I think probably the point could be dealth with by issuing administrative instructions of the kind which would require the officers concerned to take reasonable steps to satisfy themselves.

MR. CRADDOCK EBANKS: Mr. Chairman, I am wondering then if the owner should lay claim to damage made to the vehicle during the removal of it. It states that at any time after the removal the owner proves his ownership and certain damage have been made to the vehicle, where does he make claim for damages?

Mr. Chairman, I am asking the guidance on .....

HON. MICHAEL J. BRADLEY: Mr. Chairman, I think if the Member for North Side looks at the next clause 11, there is an indemnification there concerning removal.

MR. CRADDOCK EBANKS: Mr. Chairman, that is exactly why I asked that question because in the Traffic (Amendment) Law passed not long ago, the Authority have the power to pick up a vehicle left in a particular place and tow it away. And regardless of the damages, Government pays none of this because John Brown left his vehicle with the rear end probably half way across the walk-way, or a foot-path, or in some other area where it should not have been parked and it is towed away and regardless of the damage it is the owner's responsibility. That is why I asked that question.

Perhaps the Second Official Member could define this in that one would be legal and the other is not legal.

MR. CHAIRMAN: I take it that if somebody's vehicle was damaged when Government towed it away, then the owner of the vehicle might have a case against Government for damage.

HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, he would have to prove negligence on the part of the Government in removing it.

MR. CHAIRMAN: I meant if he could prove negligence. I mean supposing that it was negligently removed and he presumably could have a claim?

HON. MICHAEL J. BRADLEY: He could. If it is the wish of the Committee that this be made absolutely clear, perhaps the Honourable Mover of the Bill could indicate .....

MR. CHAIRMAN: I was really meaning that I assumed that, as it were, in general law, in ordinary civil law he would have a claim and that you do not need to spell it out in the Bill.

HON. MICHAEL J. BRADLEY: I think he should have, Sir.

MR. CHAIRMAN: If the Government officer who removed a vehicle did so in such a negligent fashion that the vehicle was badly damaged, then the owner of the vehicle would have a claim against Government for negligence. But you do not need to spell that out in the Bill, it just is so. And if that is what the Member wished to know I think that is the answer.

MR. CRADDOCK EBANKS: Mr. Chairman, I do not want to be unreasonable, but the same officer when he removes the vehicle and the owner at some other stage, whether it is the next day or week

MR. CRADDOCK EBANKS (CONTINUING): often goes in to claim his or her vehicle is the case may and says that "this was not a damaged area on my car when I left it there, this was not broken on it", and the officer says "yes, everything that you see here is how it was", then where do we go from here?

MR. CHAIRMAN: Well that would have to be for the court to determine, would it not?

MR. CRADDOCK EBANKS: Mr. Chairman, I quite agree you cannot spell all of this out in the Bill before us, but if it is not made clear enough when and if it should reach the court, then the difficulty arises.

MR. CHAIRMAN: If no Honourable Member wishes to speak further to this clause, I will put the question that clause 10 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. INDEMNITY.

MR. CHAIRMAN: If no Honourable Member wishes to speak I will put the question that clause 11 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. CONTINUING OFFENCES AND PENALTIES.

MR. CHAIRMAN: If no Honourable Member wishes to speak I will put the question that clause 12 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

CLERK: CLAUSE 13. SENTENCING.

MR. CHAIRMAN: If no Honourable Member wishes to speak I will put the question that clause 13 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

HON. TRUMAN M. BODDEN: Mr. Chairman, there has been circulated an amendment which is a further section to be added and I once again ask your consent to put in this as I do not believe that the two days notice may have been given. It came really from, I think, the Third Elected Member from West Bay. If you give your consent I would put it .....

MR. CHAIRMAN: I would be glad to give consent because it is true, I remember, it came so.

HON. TRUMAN M. BODDEN: Mr. Chairman, I would like to move that the amendment as circulated, which provides:

> Regulations. 14. The Governor in Council may make regulations generally for carrying the purposes or provisions of this Law into effect, and in particular and without prejudice to the generality of this power such regulations may prescribe the fees to be paid for the removal or storage of litter or derelict vehicles.

HON. TRUMAN M. BODDEN (CONTINUING): Mr. Chairman, I have mentioned three other aspects and perhaps if it was the feeling of this House, these could perhaps have been dealt with through regulations. The first one was mandatory waste baskets in cars. The second one was the land owner having responsibility for clearing the shoulders of the road in front of his land which adjoins the road. And, the third one was that licensees of licensed bar premises have a duty to clean up within a certain area, perhaps 500 yards of the licensed premises themselves. I just wondered what the views of the House were?

MR. CHAIRMAN: The question is that a new section be added to the Bill, immediately following section 13, to read "Regulations" as the marginal note, "14. The Governor in Council may make regulations generally for carrying the purposes or provisions of this Law into effect, and in particular and without prejudice to the generality of this power such regulations may prescribe the fees to be paid for the removal or storage of litter or derelict vehicles.",

Does any Honourable Member wish to speak to this motion or about the particular regulations that were contemplated by the mover?

HON. TRUMAN M. BODDEN: Mr. Chairman, I can only assume that these three suggestions did not find favour with the House. The Honourable Fourth Elected Member has just reminded me that only Cadillacs have waste baskets as a standard part of the equipment.

MR. CHAIRMAN: I took it silence was denoting consent, but maybe I took it incorrectly.

MR. HADDOCK FRANKS: Mr. Chairman, if the Honourable Member feels that waste baskets will reduce litter by half of one percent, I am go with it. In fact I do support it, Mr. Chairman, but the type of litter usually collected or thrown on the sides of the roads does not find its place in the type of waste basket that would be in a car. We have the fellow who is doing the drinking and the littering with his can or two of beer and other things, that no sensible waste basket in a car would be able to take this type of litter. And to him or her it means nothing to drop a bottle on the road-side. But I support it being mandatory that a waste basket be placed in a car. There is nothing wrong with it.

HON. MICHAEL J. BRADLEY: Mr. Chairman, with your permission, perhaps my mind is too compartmentalized. The three suggestions that have been made I feel could perhaps be more usefully incorporated as amendments to other laws. The one proposing litter baskets in cars under the Motor Vehicles Law. The one relating to the duty of owners on the shoulder under perhaps the Roads Law, and the one relating to the duties of licensed premises owners under the Liquor Licensing Law. Because this is generally concerned with the powers and duties of a particular officer to remove derelict vehicles after the event has happened rather than taking prophylactic measures to ensure that they do not happen. But I mean this is subject of course to what the Honourable Mover of the Bill feels.

HON. TRUMAN M. BODDEN: Mr. Chairman, I agree fully with my learned friend that they could be more appropriately proposed. However, I do not have those three amendments before this House and if I can put anything to strengthen this Law I would happily put it in here and when the Bills can be properly amended in a few months time, then so amend them. I think that legally, purely from a legal standpoint we can use the Bill to amend others and the dilemma I was

HON. TRUMAN M. HODDER (CONTINUING): know is that I do not have the proper machinery in place for dealing with these suggestions and if some could go in here then I would ask the Honourable Second Official Member to perhaps get them put under the proper law in due course. The push here is prior to February and that is our next session, and it would be good to have some of these things in place prior to February. But I do take his point and I do agree with him and I do agree that he should be meticulous in his drafting. I, however have an unmeticulous dilemma with not having the other three amendments.

MR. CHAIRMAN: It seems to me the opening clauses of this Bill, 3, 4 and perhaps 5, were fairly general in their nature. They were not confined to derelict vehicles, and it might therefore, subject to the Second Official Member's advice, be possible to have regulations done of a reasonably far reaching nature perhaps embracing things of the kind that the mover of the motion contemplated.

HON. TRUMAN M. HODDER: I am wondering, Mr. Chairman, whether perhaps even the one relating to multistory waste baskets could be implemented as that seems to be the less difficult to deal with and I think it would comfort subject to the Member from North Side .....

MR. CHAIRMAN: You have in mind that it would be by regulation? You are not wanting to amend the Bill substantially are you?

HON. TRUMAN M. HODDER: Well, Mr. Chairman, at this stage if we put in here specifically that we have the power to do this then I think we would be safe in making regulations for the waste baskets.

HON. MICHAEL J. BRADLEY: Mr. Chairman, it might not be in my mind the neatest way of dealing with the problem, but in view of the time element involved that I could perhaps suggest to the Honourable Mover of this Bill is that there be spelt out in the regulating power specific power to make regulations concerning the minimum requirements of the equipment of a car to ensure that litter is not tossed from a car.

What I am trying to say, Mr. Chairman, is we could spell out a specific power to make regulations regarding the provision of litter baskets in cars and that really it is stretching the law into another field because the whole purpose of this Law is to deal with things after they happen. The litter basket is in fact to prevent litter from happening, but on the basis of the principle that if we give power to make regulations for a particular subject in the new clause 14 then we can do it.

MR. CHAIRMAN: In that case it is necessary now to move and amendment, or it will be necessary to move an amendment to clause 14.

HON. TRUMAN M. HODDER: Mr. Chairman, what I am wondering since it is eleven thirty if we could have a break to .....

MR. CHAIRMAN: I was wondering the same thing, whether it might be a convenient moment to take a fifteen minute break before we have actually invited the House to vote on the amending motion now before it which is an amending motion that clause 14 be added. That would give an opportunity to ..... So with your leave I will now suspend proceedings for fifteen minutes

AT 11:33 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:50 A.M.

MR. CHAIRMAN: Please be seated. Proceedings are resumed. The Litter Bill, 1993.

HON. TRUMAN M. BODDEN: Mr. Chairman, I wish to withdraw that previous motion and with your permission to substitute it by the amendment as a new motion which has been circulated, Sir.

MR. CHAIRMAN: Permission granted so that the amendment now proposed is that the Litter Bill, 1993 be amended by the addition of a clause immediately following clause 14 which would read as follows -

> The Governor in Council may make regulations for carrying the purposes or provisions of this Law into effect, and in particular and without prejudice to the generality of this power such regulations may prescribe the fees to be paid for the removal or storage of litter or derelict vehicles and may make regulations for the mandatory provision by the owner or operator of any motor vehicle of such equipment including litter baskets or bins as may be considered necessary or expedient to eliminate or control littering from such motor vehicles.

Does any Honourable Member wish to speak to that amendment?

MR. BENSON O. EVANS: Mr. Chairman, I wonder how this provision of a litter basket or bins would work in an automobile, Sir? I think that what Members have expressed concern about during the debate on this Bill and other debates is really the throwing of cans and bottles, in particular, from automobiles. Now if my knowledge of the situation is correct, the main offender is beer bottles and cans. It is already an offence to be drinking from these bottles and cans in an automobile, but they are carried there and thrown out. So it is obvious that some law is not being enforced. And to provide a litter basket or bin large enough to accommodate these bottles or cans I think could possibly be creating a hazard to driving within the automobiles. I do not know that the ordinary automobile has provision for these to be affixed that they could accommodate bottles or cans, and if one encouraged the carrying of bottles and cans in a motor vehicle, once one had the litter basket there, one might have these rolling over the place and causing accidents and more problems than they are solving.

The other thing is that one of the reasons for this Bill is to try to tidy up all of the laws relating to litter and putting them into a comprehensive law and it looks to me with the enlargement of this amendment, we are now getting into requirements for licensing motor vehicles as well. And one wonders whether this can really work being in this law and not in the motor vehicles law. I would have been much more happy if the original amendment that had been proposed was left and passed into law rather than this expanded one. I do not know that we are really achieving much with this.

Thank you.

HON. TRUMAN M. BODDEN: Mr. Chairman, I think the essentials here is exactly the same as it is with litter baskets, waste baskets, generally. If there is no waste basket one by the Post Office people are going to throw things there. If there is a waste basket some of them are going to put them in it. If you see the waste basket in your

HON. TRUMAN M. BODDEN (CONTINUING): ... or it is an alternative between a risk of a fine of $500 or putting it in a waste basket I think a person, some people, will probably put them in the waste basket. We are talking about educating the public, well I think receptacles like that are bound to be one of the best reminders of what the law should be and in fact most cars are equipped with waste baskets. You can buy them quite cheaply. They are safe because they come out of the United States of America where they use them so they rage whatever tests they have there on much larger uses of vehicles than here. And I basically think if there is a waste basket some people are going to put litter in it, but if there is none they cannot put it in it. So I do not see how we can be any worse off with doing this. Otherwise if we take that approach then I would stop having the prisoners out in the dump to put waste baskets all over the town. And I mean it has helped because they do get a lot of litter out of those things. So I think as a whole it will assist and it is not just beer bottles, I mean there are other things they throw out as well.

MR. CHAIRMAN: Does any other Member wish to speak?

MISS ANNIE HULDAH BODDEN: Mr. Chairman, I have heard the phrase 'you will try anything for once'. Well let us try this to see if it will work.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I wonder if it is not a disposable bag instead of a basket that the Member is ..... I would like to get some description on this litter basket or bin. Is this going to be something that you can attach to one of the knobs and you dispose of paper and so forth in it?

HON. TRUMAN M. BODDEN: I would be quite happy to alter or to add in the word after basket, between the word 'baskets' and 'or' to put in 'bags'. Is that what you mean, Sir?

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, this is what I am getting to, Sir. A bin or a basket is rather a clumsy thing to have in the front of your car and what I have seen with people carrying these little baskets for paper when you want to dispose of any paper or anything in the car you put it in the basket rather than throw it out through the window.

Again, Sir, getting back to having a container big enough for a beer bottle or pop bottle or something like that, this is going to be quite big and cumbersome inside a car. That is what I am really concerned about.

HON. TRUMAN M. BODDEN: Mr. Chairman, I would be quite happy to move that we put the word 'bag' in there as well. And I believe that I may have left something out of this and I apologize for it. We put in no penalty in the event that that regulation is broken. So whenever we have looked at all of it I would move the amendments, all of them at one time including an amendment that if there is a breach of that regulation that there be a fine of say $500 or three months imprisonment, or both, which is somewhat lighter than the one now in the law.

MR. CHAIRMAN: Does any other .....

MR. BENSON O. EBANKS: Mr. Chairman, I am wondering if the Member could tell us whether he anticipates that the regulations to be made under this, or relating to the baskets and litter, would be of a

MR. BENSON U. EBANKS (CONTINUING): nature that the car could not be licensed unless it had these, or how would it be implemented? What control would there be over it?

HON. TRUMAN M. BOUDEN: Mr. Chairman, that would appear to be the safest and most sure way of having this carried out is that if the basket was not in there, same as if a car does not have lights, then the police could say you must put this in so that we would know that at least once a year, even for a short period, it was there.

As to when and how that can be implemented we would have to look at because we would just have to look at the regulation and the mandatory part of the licensing of the motor vehicle before I could really answer him fully. But that is I think the best way of doing it.

MR. D. DAIMON FRANKS: Mr. Chairman, though I am all for supporting the Litter Bill, I am still a bit puzzled over this waste basket or bin being carried in cars because I do not think all the cars are equipped for that. This could work well if it is just for a family car, but I am thinking about the taxis. Next thing you will find the bin is getting in the way of the passengers and the taxi driver might take the bin and throw everything over the side. You have to look at it in that light too, Sir, not that I am against it but I would like to see that something be implemented here so that it works.

Thank you.

MR. CHAIRMAN: Does any other Honourable Member wish to speak?

Does the mover want to suggest further amendments to the proposed new clause to cover the points made earlier?

HON. TRUMAN M. BOUDEN: Mr. Chairman, I would ask that the section be amended by inserting the word 'bag' between the words 'basket' and 'or' and by adding at the end of the section after the deletion of the quotes and the full stop, the words 'and may provide a penalty not exceeding a fine of $200 or imprisonment for a term not exceeding three months, or both, for contravention of such regulation.'.

Mr. Chairman, the reason for this is that normally when a Bill provides for regulations there is a penalty section in the Bill that covers it which is not in here because we are now adding it at the end.

MR. CHAIRMAN: Perhaps it may be convenient for the Committee if I now read out the clause as finally amended. And it is -

Regulations. 16. The Governor in Council may make regulations generally for carrying the purposes or provisions of this Law into effect, and in particular and without prejudice to the generality of this power such regulations may prescribe the fees to be paid for the removal or storage of litter or derelict vehicles and may make regulations for the mandatory provision by the owner or operator of any motor vehicle of such equipment including litter baskets, bags or bins as may be considered necessary or expedient to eliminate or control littering from such motor vehicles and may provide a penalty not exceeding a fine of $200 or imprisonment for a term not exceeding three months, or both, for contravention of such regulations.

MR. CHAIRMAN (CONTINUING): Unless any Honourable Member wishes to speak further to this I will put the question that this additional clause stand part of the Bill.

QUESTION PUT: AGREED. NEW CLAUSE IS PASSED.

CLERK: A BILL FOR A LAW RESPECTING THE LITTERING OF PUBLIC PLACES AND OF PREMISES.

MR. CHAIRMAN: I will put the question that the title stand part of the Bill. Does any Honourable Member wish to speak?

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: My understanding is that some Honourable Members have an appointment very shortly and others may wish to go to Rotary Luncheon and it may therefore be convenient, if having finished that Bill rather than to make a start on another, that we now suspend proceedings. Would it suit Members to meet at 2:00 o'clock or 2:15? Two o'clock promptly.

AT 12:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:00 P.M.

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

HOUSE IN COMMITTEE

MR. CHAIRMAN: The House is in committee.

THE NOTARIES PUBLIC BILL, 1982.

CLERK: Clause 1 Short title.

MR. CHAIRMAN: The question is that Clause 1 stand part of the Bill. Does any Honourable Member wish to speak, if not I will put the question.

QUESTION PUT: AGREED: CLAUSE 1 PASSED.

CLERK: Clause 2 Interpretation.

MR. CHAIRMAN: If no Honourable Member wishes to speak I will put the question on Clause 2.

QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3 Authorization of appointment.

MR. CHAIRMAN: Does any Honourable Member wish to speak, if not I will put the question.

QUESTION PUT: AGREED: CLAUSE 3 PASSED

CLERK: CLAUSE 4 Registration of Notaries Public.

MR. CHAIRMAN: If no Honourable Member wishes to speak, I will put the question on Clause 4.

QUESTION PUT: AGREED: CLAUSE 4 PASSED.

CLERK: CLAUSE 5 Registor.

MR. CHAIRMAN: The question is that Clause 5 stand part of the bill. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED: CLAUSE 5 PASSED

CLERK: CLAUSE 6 Certificate.

MR. CHAIRMAN: The question is that Clause 6 stand part of the bill. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED: CLAUSE 6 PASSED

CLERK: CLAUSE 7 Payment of annual fees.

MR. CHAIRMAN The question is that Clause 7 stand part of the bill.

MISS ANNIE HULDAH BODDEN: Mr. Chairman, in the law Attorneys-at-Law pay their annual fee of $50. I am of the opinion, Sir, that a Notary Public the fee could be $50 instead of the $100, because the fees that

MISS ANNIE HULDAH BODDEN (CONTINUING): most of those people collect are fabulous. For a Notary Public, I am stating my case, Sir, more or less it is free work for people with waivers, and all the rest of it, I do not charge any fees unless it is very, very much work, but ordinarily I think the fee of $50 would be reasonable. I am not pressing but I feel that way about it, Sir.

MR.CHAIRMAN: Did you wish to move an amendment ?

MISS ANNIE HULDAH BODDEN: I will move an amendment if I can get the support.

MR.CHAIRMAN: Well, let us see whether anybody else is going to speak. Does any other Honourable Member wish to speak?

MR.CRADDOCK EBANKS: Mr.Chairman, if what the Lady Member has pointed out is correct, which I am of the opinion it is, if Lawyers are paying an annual fee of $50 and when they take a case it is anything from $500. What does the Notary Public get out of it? I mean he just signs a few papers and if the fee that is set is for $5, or $6 or $10 then that is all he or she would get. So it really looks like it is somewhat unfair between the two categories of legal business.

MR.CHAIRMAN: Does any other Honourable Member wish to speak?

MR.BENSON O. EBANKS: Yes, Mr.Chairman. I was going to say that no doubt this mirrors the thinking of Government and they intend to put up the fee for the lawyer.

HON.MICHAEL BRADLEY: I am in somewhat of a dilemma, Mr.Chairman, without the Honourable Second Elected Member of Executive Council here to support that proposition but the fee of $100 is not unreasonable, in my opinion.

MR.CHAIRMAN: Does any other Honourable Member wish to speak? You wish to move an amendment?

MISS ANNIE HULDAH BODDEN: Yes, I do, Sir.....

MR.CHAIRMAN: I think it is in order to give permission for an amendment to be moved.

MISS ANNIE HULDAH BODDEN: Well, I thank you, Sir and I would like to move that this fee in Clause 7 of $100 be reduced to $50, the same fee as is paid by the Attorneys-at-Law.

MR. CHAIRMAN: So that the amendment proposed is that clause 7 of the bill be amended by substituting in the third and fourth lines for the figures $100 the figures $50. Does any other Honourable Member wish to speak further to the amendment?

HON.MICHAEL BRADLEY: Just to say, Sir, that I have spoken to the Honourable Elected Members and Government accepts this amendment.

MR.CHAIRMAN: I think probably the amendment must go through but we must take a vote on it.

MISS ANNIE HULDAH BODDEN: What a wonder! That is a wonder.

QUESTION PUT: AGREED: AMENDMENT PASSED

HON.MICHAEL BRADLEY: Mr.Chairman, Sir, before we go any further, could I please take the liberty of reminding the House that it will have to recommit then Clause 4 sub-clause (3) where it prescribes paying, in respect of existing attorneys, $100 to make it consistent. if (3) small (a).

MR.CHAIRMAN: Well, it would not absolutely be automatically, because it is not an annual fee.

HON.MICHAEL BRADLEY: It is an initial fee.....

MR.CHAIRMAN: It is an initial fee which would be regarded as part payment for years of practice....

HON.MICHAEL BRADLEY: Well, if the Honourable Member who moved the amendment is happy initially to pay $100 and thereafter $50 as an annual fee, well, then it could stand.

MR.CHAIRMAN: If the Member who moved the amendment to .....But may I first finish clause 7 because otherwise I shall forget that,.... I will come back to clause 4 in a moment. Clause 7, an amendment has been agreed, the question now is whether clause 7 as amended stand part of the Bill.

QUESTION PUT: AGREED: CLAUSE 7 AS AMENDED PASSED

MR.CHAIRMAN: We have been reminded that having amended clause 7 in the manner we have there may be an argument for amending also clause 4, sub-clause (3) paragraph (a), in the same manner. If it were the wish of the House that despite the fact that we have already agreed to clause 4 the clause should be re-opened for further debate, I would be quite willing and I am sure there must be a provision in Standing Order under which I can do this, to allow further debate of it. I wonder whether the Honourable Member who moved the amendment to clause 7 has strong views, one way or the other about the matter?

MISS ANITE HULDAH BODDEN: I have no strong views, Sir, in regard to the initial fee of $100, but the annual fee I think should be $50.

MR.CHAIRMAN: Well, unless any other Honourable Member wishes to go back to clause 4 I think we can leave that as is. We shall go on to clause 8.

CLERK: CLAUSE 8 ENDORSEMENT OF CERTIFICATE

HON.MICHAEL BRADLEY: Mr.Chairman, Sir, line 7 there is another typographical error.

MR.CHAIRMAN: The question is that clause 8 with the typographical error in the second line corrected, stand part of the bill. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED: CLAUSE 8 PASSED.

CLERK: CLAUSE 9 FEES.

MR.CHAIRMAN: Mr.Chairman, Sir, I beg permission of the Chair to move an amendment to clause 9 and that is, if permission is granted,

HON.MICHAEL BRADLEY: to the effect that where in the second to the last line it says "Fourth Schedule" this is an inaccurate cross-reference, it should say "Fifth Schedule".

MR.CHAIRMAN: Permission for the proposal to amend the clause is granted and I will take it that you have already moved the amendment and that the question therefore is that Clause 9, sub-clause (1) , line 4 shall be amended to correct an inaccurate reference, the word "Fourth" being deleted and the word "Fifth" substituted for it.

If no Honourable Member wishes to speak to the amendment, I will put the question that Clause 9 be amended as proposed.

QUESTION PUT: AGREED: CLAUSE 9 AMENDED

MR.CHAIRMAN: I will now put the question whether Clause 9 as amended stand part of the bill. Does any Honourable Member wish to speak to that? If not I will put the question.

QUESTION PUT: AGREED: CLAUSE 9 AS AMENDED PASSED

CLERK: CLAUSE 10 PROCEEDINGS FOR MISCONDUCT

MR.CHAIRMAN: The question is that Clause 10 stand part of the bill. Does any Honourable Member wish to speak? If not I will put the question that Clause 10 stand part of the bill, noting that sub-paragraph (iv) of the clause, second line, the first word should be "contained", there is a printing error again.

QUESTION PUT: AGREED: CLAUSE 10 PASSED

CLERK: CLAUSE 11 FALSE REPRESENTATION

HON.MICHAEL BRADLEY: Mr.Chairman, Sir, with your permission I would propose to move an amendment to correct a wrong cross- reference in this clause also to the intent that in the third line the word "Fourth" should read "Fifth".

MR.CHAIRMAN: Permission to move the amendment is granted. The question therefore before the Committee is whether Clause 11 should be amended by deleting the word "Fourth" in line 3 and re-placing it by the word "Fifth". Does any Honourable Member wish to speak to that amendment. If not I will put the question.

MR. BENSON O.EBANKS. There is a typographical error in the second line where the phrase is repeated.

MR.CHAIRMAN: Yes, there is.

HON.MICHAEL BRADLEY: The Member is quite correct, my apologies.

MR.CHAIRMAN: The words "or not being a Notary Public" are repeated. Thank you.I think we can make that correction without a formal amendment.

MR. NORMAN BODDEN: Mr.Chairman, there is a typographical error in the first word too, Clause 11 "Whosoever"

HON.MICHAEL BRADLEY: I think greatly must have gotten at this.

MR.CHAIRMAN: Again I think we can make the correction without formal amendment so I come back to the amendment proposed which was that the word "fourth" in the third line of Clause 11 be deleted and replaced

MR.CHAIRMAN (CONTINUING): by the word "Fifth". If no Honourable Member wishes to speak to that amendment I will put the question.

QUESTION PUT: AGREED: CLAUSE 11 AMENDED.

MR.CHAIRMAN: I will now put the question that Clause 11 as amended stand part of the bill. Does any Honourable Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED: CLAUSE 11 AS AMENDED PASSED

CLERK: CLAUSE 12 NOTARIAL ACTS WHILE SUSPENDED.

MR.CHAIRMAN: The question is that Clause 12 stand part of the bill. Does any Honourable Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED: CLAUSE 12 PASSED.

CLERK: CLAUSE 13 NOTARIAL ACTS BOOK.

MR.CHAIRMAN: The question is that Clause 13 stand part of the BILL.

MISS ANNIE HULDAH BODDEN: Mr.Chairman, I feel that this would be a very hard thing to do the little minor papers that one signs to have to keep a record of that one would have to get a Secretary to do all this, because in my office some days as many as 10 people come in to get a waiver form signed, which I sign without any payment just as a favour to help let the wheels of government,etc. run smoothly, and if I had to keep a record of that all the time.....

MR.CHAIRMAN: I think this was a point that was dealt with during the Second Reading debate,but I will ask the Second Official Member of Executive Council to explain again the point he then made.

HON.MICHAEL BRADLEY: I think, Mr.Chairman, Sir, it was in fact the Second Elected Member that proffered an explanation at the Second Reading stage, but basically I think that it is a worry of the Members that is misplaced in the sense that this clause 13 (1) provides that you only record notarial acts, items 1 to 13 and item 19 and that items 14, 15, 17, 18, 19 and 20 will not require recording and that I think that possibly the notarial work undergone by the Honourable Member, the vast bulk of that would come under the categories that do not require notarial note book.

The ones that do relate to Bills of Exchange, Ships' Protest, Serving of Ships, Bottomry and Respondentia Bonds.

MISS ANNIE HULDAH BODDEN: I am satisfied, Sir, that one will not have to.....

MR.CHAIRMAN: Is the Honourable Member content?

MISS ANNIE HULDAH BODDEN: I am content with that, Sir, if you do not have to sign for all those waivers and all the other little items that are brought every day.

MR.CHAIRMAN: Does any other Honourable Member wish to speak on the clause? If not I will put the question, but before I do so it has been drawn to my attention that in paragraph 2 of Clause 13 there is a rather happy, typographical error in the last line, as Members will

MR.CHAIRMAN (CONTINUING): notice, Grant Court for Grand Court. Subject to correcting it I will put the question that Clause 13 stand part of the bill.

QUESTION PUT: AGREED: CLAUSE 13 PASSED.

CLERK: CLAUSE 14 REPEAL OF CHAPTER 110.

MR.CHAIRMAN: The question is that Clause 14 stand part of the bill. Does any Honourable Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED: CLAUSE 14 PASSED

CLERK: FIRST SCHEDULE

MR.CHAIRMAN: The question is that the First Schedule stand part of the bill. Does any Honourable Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED: FIRST SCHEDULE PASSED

CLERK: SECOND SCHEDULE

MR.CHAIRMAN: The question is that the Second Schedule Stand part of the bill. Does any Honourable Member wish to speak if not I will put the question.

QUESTION PUT: AGREED: SECOND SCHEDULE PASSED

CLERK: THIRD SCHEDULE

MISS ANNIE HULDAH BODDEN: Mr.Chairman, with regard to this Third Schedule, for instance most of us who have Notaries Public commission we have a seal which says practically the same as this, not in so many words, a little different, the word "Notary" is on the outline, would that seal now be unacceptable and we would have to get a new one with "Notary in the Cayman Islands" in the middle?

HON.MICHAEL BRADLEY: As it stands, Mr.Chairman, Sir, in answer to the Honourable Member's query, it would have to be in this form with this wording. If it was wished to allow similar type material seals that already exist to carry on, perhaps the way to deal with that would be if the Honourable Assembly agreed to re-commit clause 4 sub-clause (3) and where it says in (b) "which seal shall be in the form prescribed we could put in one word "substantially", "which seal shall be substantially in the form prescribed" which would, I think, deal with that if the House so wished.

MISS ANNIE HULDAH BODDEN: Anything that the Honourable Second Official Member says that is legal I am satisfied to go along with it. I do not want to be contrary.....

MR.CHAIRMAN: It seems to me a reasonable point, otherwise a great many Notaries are going to have to get new seals. If the House were willing I would be quite content to grant permission to re-commit Clause 4 in order to facilitate the amendment in the manner proposed. May I do that then?

Let us first deal with the Third Schedule so we do not forget we are half-way through dealing with it. If there is no further debate about the Third Schedule I will put the question

MR. CHAIRMAN (CONTINUING): regarding it and then I will come back to Clause 4.

QUESTION PUT: AGREED: PUTAD SCHEDULE PASSED

MR. CHAIRMAN: I have now given permission for clause 4 to be re-committed in order that an amendment to sub-clause (3) paragraph (b) may be proposed.

HON. MICHAEL BRADLEY: With the Chair's permission, I may have the liberty to move an amendment to the re-committed Clause 4.....

MR. CHAIRMAN: Permission granted.

HON. MICHAEL BRADLEY: I would move that in sub-clause (3) of Clause 4 that immediately after the words "shall be" in line three of paragraph (b) the word "substantially" be added.

MR. CHAIRMAN: The question is that the word "substantially" be added after the words "shall be" in the third line of paragraph (b) of sub-clause (3) of Clause 4 of the bill.

If no honourable Member wishes to speak to that I will put the question.

QUESTION PUT: AGREED: AMENDMENT PASSED.

MR. CHAIRMAN: So, I think I must again put the question that Clause 4 as now amended stand part of the bill.

QUESTION PUT: AGREED: CLAUSE 4 (RECOMMITTED) AS AMENDED PASSED

CLERK: FOURTH SCHEDULE.

MR. CHAIRMAN: The question is that the Fourth Schedule stand part of the bill. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED: FOURTH SCHEDULE PASSED

CLERK: FIFTH SCHEDULE.

MR. CHAIRMAN: The question is that the FIFTH SCHEDULE do stand part of the bill.

MR. BENSON O. EBANKS: I think it was during the second reading debate, Mr. Chairman, that the question was raised whether in fact item 30 covered the most common notarial acts, the normal witnessing of signatures and I thought the Second Official Member had undertaken to look into that at that point.

HON. MICHAEL BRADLEY: I think, Mr. Chairman, Sir, it is covered under any certificate of record, but I would have no objection to moving an amendment, if Honourable Members wished, to any "any certificate of record or any.....

MR. BENSON O. EBANKS: If you are satisfied that that now embraces it I have no problem.

MR. CHAIRMAN: Was the point not the fee prescribed?

MR. BENSON O. EBANKS: No, it was not the fee, although that is a

MR.BENSON O. EBANKS (CONTINUING): problem and if the fee is going to be $15 merely to have a signature.....

MR.CHAIRMAN: I may have mis-recollected, but I thought the point made was that $15 was a little bit steep just for witnessing a signature, where some other act which may be less onerous, commands a smaller fee.

HON.MICHAEL BRADLEY: Well, if Honourable Members would like to make it absolutely clear and add on Item 21 - Witnessing of any document not hereinbefore mentioned X dollars".

HON.D.H.FOSTER: Mr.Chairman, I think that is a very good idea, Sir, because the majority of things on the Schedule do not come before us anyhow as Notaries. What comes before us is Notaries witnessing signature of company officials and so on and Notaries doing affidavits regarding a person's birth or whereabouts or a general affidavit and they come before a Notary and sign it. I can see a certain amount of confusion if this is not spelled out in some manner and I think the way the Second Official Member has suggested in putting in a new 21 might cover it properly.

MR.BENSON O.EBANKS: And I believe the question was also raised about certifying the authenticity of copies of original documents in certain instances, like Certificates of Qualification, and so on, where one does not send the original but a copy. I thought the two were intended to be treated together as nominal charges, if any.

HON.D.H.FOSTER: Is that not covered under 17?

HON.MICHAEL BRADLEY: No, I think it would be covered, Mr.Chairman, Sir, under 19 - Declaration before a Notary Public with a certificate under seal that the person would declare that something is a true copy and then it would be notarised by the Notary Public and so certified.

MR.BENSON O. EBANKS: $15?

HON.MICHAEL BRADLEY: It is the maximum, Mr.Chairman.

MR.CHAIRMAN: I am not quite sure whether the Member felt that the charge was too high or too low, I suspect he felt it was too high.

MR.BENSON O.EBANKS: Too high, Sir.

MR.CHAIRMAN: But in that case, that is item 14, the Notary public has got to do a certain amount of work to prepare a document notarising the accuracy of the certificate, and so on in the witnessing that we were contemplating adding, I do not think he has to do any work very much at all, does he, apart from witnessing? And I wonder whether the Second Official Member or anybody else wanted to propose an amendment to add Item 21 and describe it and prescribe a fee.

HON.MICHAEL BRADLEY: Would it be the wish of the House if I got leave to propose moving the addition of an Item 21 which would say 'witnessing any document not hereinbefore mentioned and then a fee? Perhaps the Second Elected Member could assist?

HON.D. H.FOSTER: I think it is very necessary, Sir and I would suggest may be a fee of $5?

HON.MICHAEL BRADLEY: May I have your leave, Mr.Chairman, to move an amendment without notice?

MR.CHAIRMAN: I did not, to be truthful, see whether the Second Elected Member of Executive Council sort of nodded his agreement with what you were proposing or had any comments to make.

HON.TRUMAN M.BODDEN: I mean if it is the wish to put Number 21 as a general clause in relation to documents, I have no objection, I guess whatever.....

MR.CHAIRMAN: Did you agree with the wording proposed?

HON.TRUMAN M.BODDEN: Well, I would, you know, go along with what the Attorney General has suggested.

MR.CHAIRMAN: So, the proposal is that Item 21 be added Witnessing of any documents not hereinbefore mentioned, and I am not sure whether the fee was.....

HON.MICHAEL BRADLEY: Mr.Chairman, Sir, in the absence of the Financial Secretary, I feel that I ought to defend his income that the lowest fee prescribed under any other item is $6 and I think $6 would be fair for this one.

MR.CHAIRMAN: It is not actually the Financial Secretary's income, is it, it is the Notaries Public income.

HON.MICHAEL BRADLEY: Oh, you are quite right, unless we make him a Notary Public.

MR.CHAIRMAN: So the proposal is that the Fifth Schedule be amended by the addition of an Item 21 which reads - Witnessing of any document not hereinbefore mentioned - $2.

MR.BENSON O.BRANKS: I thought he had said $2, Sir.

MR.CHAIRMAN: I think you will have to propose an amendment to the amendment if you want $2, $6 was offered. That is the amendment. Does any Honourable Member wish to speak? If not, I will put the question, that the amendments to the Fifth Schedule stand part of the Schedule.

QUESTION PUT AGREED: FIFTH SCHEDULE AMENDED

MR.CHAIRMAN: I will now put the question that the Fifth Schedule as amended do stand part of the bill. If no Member wishes to speak to that I will put the question.

QUESTION PUT: AGREED: FIFTH SCHEDULE PASSED AS AMENDED

CLERK: Sixth Schedule.

QUESTION PUT AGREED: SIXTH SCHEDULE PASSED

CLERK: A LAW TO REPEAL AND REPLACE THE NOTARIES PUBLIC LAW

MR.CHAIRMAN: The question is that the Title stand part of the bill. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED: THE TITLE WAS PASSED

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1962

CLERK: CLAUSE 1 SHORT TITLE AND COMMENCEMENT

MR.CHAIRMAN: The question is that Clause 1 stand part of the bill. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2 AMENDMENT OF SECTION 3 OF LAW 9 OF 1959

MR.CHAIRMAN: The question is that Clause 2 stand part of the bill. Does any Honourable Member wish to speak, if not I will put the question.

QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3 AMENDMENT OF SECTION 12A OF THE PRINCIPAL LAW.

HON.MICHAEL MANLEY: Mr.Chairman, Sir, I have given notice in accordance with section 52 (2) of Standing Orders of my intention to move an amendment to this clause, if I may now move that amendment. It is that Clause 3 be amended by the deletion of the words "the practising certificate is sought" and the substitution therefore of the words "the Gainful Occupation Licence has been granted", which is on the last line of Clause 3.

MR.CHAIRMAN: The question is that Clause 3 be amended by the deletion of the words "the practising certificate is sought" at the end of the clause and the substitution for those words of the words "the Gainful Occupation Licence has been granted". Does any Honourable Member wish to speak to the amendment? If not, I will put the question that the clause be amended as proposed.

QUESTION PUT: AGREED: CLAUSE 3 AMENDED

MR.CHAIRMAN: I will now put the question that Clause 3 as amended do stand part of the bill. Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED: CLAUSE 3 AS AMENDED PASSED

CLERK: CLAUSE 4 ADDITION OF NEW SECTION 12B TO THE PRINCIPAL LAW.

MR.CHAIRMAN: The question is that Clause 4 do stand part of the bill.

MISS ANNIE HULDAH BODDEN: Mr.Chairman, I have been approached by I would say, quite a few of these Attorneys-at-Law who think that this is not fair. Their contention is that if they are registered in Jamaica, if they are not there their name are not struck off from the list; if they have gotten their degrees and so on in England and not living in the country that their names are not struck off the list, they feel that it is not fair, that if they have had a licence to practice in this Court that it is not fair that their names should be struck off according to this 4 - 12B, "The Clerk

MISS ANNIE HULDAH BODDEN (CONTINUING): shall strike off the Court Roll the names of any Attorneys-at-law, other than a person who possesses Caymanian Status, who has not been at any time during the twenty-four months immediately preceding the striking off, in possession of an annual practising certificate issued under section 12A". They feel that that is not fair, inasmuch as other countries have no such stipulation; for instance, anybody that has a Solicitors' Certificate from the Government of Jamaica or Court or wherever they get it, they are allowed to have their names remain on the Register and they say the same thing applies if you are granted a Barrister-at-law or Solicitor's Commission in England, not because you leave the country your name is struck off. They think it is most unfair to have this stipulation against them.

CAPT. CHARLES KIRKCONNELL: Mr.Chairman, I was not here when this law was debated but in trying to put the amendments together I noted that section 3 sub-section (3) the word "Administrator" is still in this law and might not this be the time to change this word. I am talking about the law itself. Would this not be the time to change this in the main law from "Administrator" to "Governor in Council".

HON.MICHAEL BRADLEY: Perhaps the Honourable Member might give me a minute or two just to look to see whether or not it has been changed at any time in the past.

MR.CHAIRMAN: I think the point is one that does not specifically affect clause 4 in any case, so whilst being grateful to the Honourable Member for raising it.....

HON.MICHAEL BRADLEY: Perhaps, Mr.Chairman, Sir, if, while I am considering this minor matter any other Member wished to deal with the point that the Honourable Lady Member raised.....

MR.CHAIRMAN: Yes, I was going to revert to the discussion on Clause 4 of the bill because the point raised by the First Elected Member for the Lesser Islands does not, I think, relate directly to Clause 4, may be you could be looking at it whilst the Committee considers further the question of Clause 4 and I was going to ask whether any other Honourable Member wished to speak on Clause 4.

HON.TRUMAN BODDEN: Mr.Chairman, I just wanted to say that I believe there was an amendment to the Interpretation Law which covered this at the stage that we shifted from "Administrator" to "Governor" generally, but I am not absolutely certain.

MR.CHAIRMAN: That is what I would have expected, that is the normal practice.

HON.MICHAEL BRADLEY: It is, Mr.Chairman, perhaps being very exact in interpretation, but I think that at that time what it said is that where anytime the phrase "Administrator" appears it shall be read and construed as "Governor". Strictly speaking, it did not change the law and I have been endeavouring, anytime I see it in the Laws when they are being amended in other respects, to make that change. I thought it had been made in this respect, from what I see here it appears that it has not been made in the two previous amendments since Governors were appointed here and I thank the Honourable Member opposite for drawing it to my attention and I will certainly prepare that an extra clause be added to carry out this formal change.

MR. CHAIRMAN: So we will come to the proposal in a moment for an extra clause, meanwhile does any Honourable Member wish to speak to Clause 4. If no Honourable Member wishes to speak does the Third Elected Member for George Town wish to propose an amendment to the Clause?

MISS ANNIE HULDAH BODDEN: I do, Sir, with your permission. I would like to propose that this section 4 be struck out because if it is not done in other countries I do not think we should be so harsh on people who.....

MR. CHAIRMAN. I think that in fact if what you are proposing is that the whole Clause 4 be deleted, then you would achieve your objective by voting against the clause, because I do not think we need to amend it. You are really....

MISS ANNIE HULDAH BODDEN: Well, I would like to move that it be struck out altogether.....

MR. CHAIRMAN: If you are totally against it and you do not want it to remain at all then if you persuade others by your eloquence to vote against it and there is a majority against it, it will simply be deleted.

MISS ANNIE HULDAH BODDEN: Well, Mr. Chairman, I believe in justice and if we have Solicitors and Barristers who are registered in Jamaica and in England and who can continue to use their qualifications we should not be un-mindful of .....

MR. CHAIRMAN: I understood your point, I am just seeking an acceptable means, I mean acceptable to you; of meeting it, then I think perhaps voting against the Clause rather than amending the Clause is the best procedure that you and any other whom you may have persuaded could adopt.

MISS ANNIE HULDAH BODDEN: I am subject to your ruling, Sir, whatever you say I accept.

MR. CHAIRMAN: In that case then unless any other Honourable Member wishes to speak to the clause I will put the question.

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: I think the ayes have it.

I believe the Second Official Member may wish to seek permission to propose an additional clause, and permission I would grant.

HON. MICHAEL BRADLEY: I move that the bill be amended by the addition immediately following Clause 4 of the following new Clause - Marginal note - Change of Title. 5. The principal Law is amended by the deletion, wherever it occurs, of the word "Administrator" and the substitution therefor in each case of the word "Governor".

MR. CHAIRMAN: The question before the Committee is that the bill be amended by the addition of a further clause, Clause 5 against which there would be the marginal note Change of title, the clause

MR.CHAIRMAN (CONTINUING): itself being worded as follows - the principal Law is amended by the deletion, wheresoever it occurs, of the word "Administrator" and the substitution therefor in each case of the word "Governor".

Does any Honourable Member wish to speak to this question? If not, I will put the question that Clause 5 as I have just read out, be added to the bill.

QUESTION PUT: AGREED: NEW CLAUSE 5 ADDED.

CLERK: A LAW TO AMEND THE LEGAL PRACTITIONERS LAW

QUESTION PUT: AGREED: TITLE PASSED.

THE OATHS (AMENDMENT) BILL, 1982

CLERK: CLAUSE 1 SHORT TITLE.

QUESTION PUT AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2 AMENDMENT OF CHAPTER 112.

QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3 GENERAL AMENDMENTS OF PRINCIPAL LAW

QUESTION PUT: AGREED: CLAUSE 3 PASSED

CLERK: A LAW TO AMEND THE OATHS LAW.

QUESTION PUT: AGREED: TITLE PASSED

THE TRAFFIC (AMENDMENT) (NO.2)BILL, 1982

CLERK: CLAUSE 1 SHORT TITLE

QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2 AMENDMENT OF SECTION 77 OF LAW 16 OF 1973

QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: A LAW TO AMEND THE TRAFFIC LAW

QUESTION PUT: AGREED: TITLE PASSED

MR.CHAIRMAN: That concludes proceedings in Committee on bills entitled The Customs (Amendment) Bill, 1982, The Litter Bill, 1982, The Notaries Public Bill, 1982, The Legal Practitioners (Amendment) Bill, 1982, The Oaths (Amendment) Bill, 1982, and the Traffic (Amendment) Bill, 1982. The House will now resume to consider Reports on those bills and on one other bill, which has been dealt with by Finance Committee.

HOUSE RESUMED

REPORTS THEREON

THE APPROPRIATION (1983) BILL, 1982

HON. T.C. JEFFERSON: Mr. President, I beg to report that a bill entitled The Appropriation (1983) Bill, 1982 was amended as follows -

Head 2 The sum was reduced from $610,300 to $526,736
Head 18 was increased from a sum of $195,286 to $208,026.
Head 19 Department of Agriculture was increased from $345,655 to $357,655
Head 33 Administration, Tourism, Aviation and Trade was reduced from $761,120 to $731,120.
Head 29 Public Works Department was increased from $1,777,330 to $1,802,330 making the net of which is a reduction from the Appropriation total sum of $50,608,778 to $50,599,134.

MR. PRESIDENT: The bill is accordingly set down for Third Reading.

THE CUSTOMS (AMENDMENT) BILL, 1982

HON. T.C. JEFFERSON: Mr. President, I beg to report that a bill entitled the Customs (Amendment) Bill, 1982 was passed without amendment.

MR. PRESIDENT: The bill is accordingly set down for Third Reading.

THE LITTER BILL, 1982

HON. TRUMAN BODDEN: Mr. President, I have to report that a bill entitled The Litter Law, 1982 was considered by a Committee of the Whole House and was passed with the amendments set forth in the Committee. I do not necessarily wish to state these specifically unless you feel I should do so.

MR. PRESIDENT: Am I right - it was the addition of Clause 14, was it not? I do not think you need read it out in full, I just want to make certain that....

HON. TRUMAN BODDEN: That was the main one, Sir, there was also an amendment in section 6 (1) and 8 (1), the word may was substituted for "shall".

MR. PRESIDENT: Oh, yes. The bill is accordingly set down for Third Reading.

THE NOTARIES PUBLIC BILL, 1982

HON. MICHAEL BRADLEY: Mr. President, Sir, I beg to report that a bill entitled The Notaries Public Law, 1982 has been considered by a Committee of the Whole House and has been approved with 12 amendments.

MR. PRESIDENT: The bill is accordingly set down for Third Reading.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1982

HON. MICHAEL BRADLEY: Mr. President, Sir, I beg to report that a bill entitled The Legal Practitioners (Amendment) Law, 1982 has been considered by a Committee of the Whole House and has been approved with 2 amendments.

MR.PRESIDENT: Third Reading. — The bill is accordingly set down for

THE OATHS (AMENDMENT) BILL, 1982

HON.MICHAEL BRADLEY: — Mr.President, Sir, I beg to report that a Bill entitled **The Oaths** (Amendment) Law, 1982 has been considered by a Committee of the Whole House and has been approved without amendment.

MR.PRESIDENT: Third Reading. — The bill is accordingly set down for

THE TRAFFIC (AMENDMENT) BILL, 1982

HON.CHRIS BODDEN: — Mr.President, I have to report that a Committee of the Whole House considered a bill entitled A bill for a Law to Amend the Traffic Law, Law 16 of 1973. The bill has been passed without any amendments.

MR.PRESIDENT: Third Reading. — The bill is accordingly set down for

HON.T.C.JEFFERSON: — Mr.President, with your permission, Sir....

MR.PRESIDENT: bill — Are you still on the Traffic (Amendment)

HON.T.C.JEFFERSON: — No, Sir.

MR.PRESIDENT: — Just let me polish off the Traffic (Amendment) Bill then, the bill is accordingly set down for Third Reading. Now.

THE CUSTOMS (AMENDMENT) BILL, 1982

HON.T.C.JEFFERSON: — Mr.President, The Customs (Amendment) Bill requires that a date for enforcement be set and during the reporting thereon I failed to do so. I would suggest a date of 13th of December for this enforcement date.

HON.MICHAEL BRADLEY: — I think, Mr.President, Sir, we would need to suspend Standing Order just for this purpose.

MR.PRESIDENT: — I was thinking the same. I should welcome guidance on the mechanics for facilitating the insertion of an appropriate date, the date has plainly got to be inserted.

HON.MICHAEL BRADLEY: — I think the mechanics, Mr.President, Sir, are once we have let it slip by, inadvertently passed the Report stage the only way, I think, we can do it is by Suspending Standing Orders.....

MR.PRESIDENT: — Is enable report stage to be re-taken because the report stage is the correct time? Or should it have been done in committee? Yes. So my question is can it be done at Report stage in fact or ought we to go back into Committee. I think that probably we ought to go back into committee to deal with this, and that if we do not it is conceivable that it could be said the law has not been properly passed and problems could arise. So, unless any Member has objection I think that I will rule that the House do now go into Committee again to study further a Bill entitled The Customs (Amendment) Bill,1982.

HOUSE IN COMMITTEE

MR.CHAIRMAN: I think if the Honourable Third Official Member of Executive Council were to make a proposal under the terms of Standing Order 55 (1) we could probably deal suitably with the matter. Or perhaps really we take it that he did move it under Section 55 (1) and that I took action, and I think therefore it remains for the Member concerned to move the necessary amendment to Clause 1 of the Bill now that we are in committee.

RECOMMITTAL OF BILL

HON T.C.JEFFERSON: Mr.Chairman, I move that the date for the enforcement of the amendment to the Customs Law be set for 13th of December, 1982 which would be Monday.

MR.CHAIRMAN: The question before the Committee is that Clause 1 of a bill for a Law to Amend the Customs Law (Revised) should be amended by inserting an enforcement date of 13th day of December, 1982 in place of the blank under the word "November".

HON.MICHAEL BRADLEY: Perhaps, Mr.Chairman, Sir, if we could with my Honourable Colleague's permission have the amendment phrased that Clause 1 be amended by the deletion of the words "day of November" and the substitution therefor of the words "13th day of December" it would.....

MR.CHAIRMAN: that would tidy it up completely. The amendment therefore, if the Honourable Member agrees, and I take it he does, is that.....

HON.MICHAEL BRADLEY: Sorry, Mr.Chairman, hasty re-drafting - strictly speaking, we are not now deeming it to come into force on a date previous to this, so in fact the whole clause should read - "may be cited as,etc.....and shall come into force on the....." .....

MR.CHAIRMAN: so we strike out the words " be deemed to have".....

HON. MICHAEL BRADLEY: Yes, Sir.

MR.CHAIRMAN: and strike out also the words "day of November" and for the words "day of November" we substitute "13th day of December, 1982" so that the motion before the Committee is that Clause 1 of a bill entitled The Customs (Amendment) Law, 1982 be amended firstly, by striking out the words "be deemed to have" and secondly, by striking out the words "day of November" and substituting for them the words "13th day of December, 1982," and the bill has been re-committed to the Committee for this purpose. Does any Honourable Member wish to speak to the proposed amendment? If not, I will put the question that the clause be amended as proposed.

QUESTION PUT: AGREED: CLAUSE 1 PASSED AS AMENDED.

MR.CHAIRMAN: That concludes proceedings in Committee again and the House resumes.

HOUSE RESUMED

REPORT THEREON

THE CUSTOMS (AMENDMENT) BILL, 1982

HON.MICHAEL BRADLEY: Mr.President, Sir, I think Standing Order 55 sub-order (4) is relevant and perhaps my Honourable Colleague would wish to move, in accordance with that.

HON.T.C.JEFFERSON: I move that the bill as amended by recommittal be reported to the House.

MR.PRESIDENT: I rather think what happened I jumped the gun actually, not having read that carefully, I think you should have moved that at the stage when we were still in Committee and I must have been taking it that you had moved it already and got us back into the House and I think it would now be possible for you to report as the second part of Standing order 55 (4) provides.

The House has resumed the Member in charge of the bill shall report accordingly and the House.....if you would report on the proceedings in Committee.

HON.T.C.JEFFERSON: Mr.President, I beg to report that a bill entitled The Customs (Amendment) Bill, 1982 was re-committed to a Committee of the Whole House and Clause 1 amended to provide for an enforcement date, and I would ask for the Third Reading forthwith.

MR.PRESIDENT: The bill is accordingly set down for Third Reading.

THIRD READINGS

CLERK:

(i) THE APPROPRIATION (1983) BILL, 1982
(ii) THE WATER AUTHORITY BILL, 1982
(iii) THE CUSTOMS (AMENDMENT) BILL, 1982
(iv) THE LITTER BILL, 1982
(v) THE NOTARIES PUBLIC BILL, 1982
(vi) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1982
(vii) THE OATHS (AMENDMENT) BILL, 1982
(viii) THE TRAFFIC (AMENDMENT) (NO.2)BILL, 1982

THE APPROPRIATION (1983) LAW, 1982

HON.T.C.JEFFERSON: Mr.President, I beg to move that a bill entitled The Appropriation (1983) Law, 1982 be given a third reading and passed.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED

THE WATER AUTHORITY LAW, 1982

HON. G. HAIG SODDEN: Mr.President, I beg to move that a bill entitled The Water Authority Law, 1982 be given a third reading and passed.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED

THE CUSTOMS (AMENDMENT) LAW, 1982

HON.T.C.JEFFERSON: Mr.President, I beg to move that a bill entitled the Customs (Amendment) Law, 1982 be given a Third Reading and passed.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED

THE LITTER LAW, 1982

HON.TRUMAN M.BODDEN: Mr.President, I move that the bill entitled the Litter Law, 1982 be now read a Third time and passed.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE NOTARIES PUBLIC LAW, 1982

HON.MICHAEL BRADLEY: Mr.President, Sir, I beg to move that the bill entitled The Notaries Law, 1982 be now read a Third time and passed.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED

THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1982

HON.MICHAEL BRADLEY: Mr.President, Sir, I beg to move that the bill entitled The Legal Practitioners (Amendment) Law, 1982 be now read a Third time and passed.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED

THE OATHS (AMENDMENT) LAW, 1982

HON.MICHAEL BRADLEY: Mr.President, Sir, I beg to move that the bill entitled The Oaths (Amendment) Law, 1982 be now read a third time and passed.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE TRAFFIC (AMENDMENT)(NO.2) LAW, 1982

HON.G.HAIG BODDEN. Mr.President, I beg to move that a bill entitled The Traffic (Amendment) (No.2) Law, 1982 be given a Third reading and passed.

QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

GOVERNMENT MOTION NO.6 of 1982
SELECT COMMITTEE TO CONSIDER AMENDMENTS TO THE CAYMANIAN PROTECTION LAW FOLLOWING THE COMING INTO EFFECT IN THE U.K. ON 1ST JANUARY, 1983 OF THE BRITISH NATIONALITY ACT, 1981

HON.MICHAEL BRADLEY: Mr.President, Sir, in accordance with the provisions of Standing Order 24 sub-order (1) and 59 sub-order (1), it is moved that the House do appoint a Select Committee consisting

HON.MICHAEL BRADLEY(CONTINUING): of the twelve elected Members and the Attorney-General to consider such amendments as may be necessary or desirable to the Caymanian Protection Law, following the coming into effect in the United Kingdom on 1st January, 1983, of the British Nationality Act, 1981, and also to make such other recommendations as it thinks fit on all matters contained in the Caymanian Protection Law or which relate to Caymanian Status, Gainful Occupation Licences, immigration and deportation.

QUESTION PROPOSED

HON.TRUMAN M.BODDEN: Mr.President, this motion, in effect, ratifies what had been done previously. I think for the public's anxiety that I should state categorically that some of the articles and some of the debates on the radio that have ensued in relation to this matter have been confused and not stated either law specifically nor drew distinction between Caymanian Status, nationality and residence. It would be good , and I think, responsible of the media which disseminates news, if they could get correct interpretation and correct facts to avoid the absolute confusion which has been created in the public's mind in some respects. So I think that this Committee is a good thing and that ultimately the proper and legal interpretations will come out and while complex, will avoid the confusion which, unfortunately, people unqualified to interpret complex legislation have endeavoured to do and pass their confusion on to the public.

There is concern in the public and quite rightly, because there have been wrong interpretations and there has been a lot of confusion about it and ultimately the public will get the reports from that Committee and I believe at that stage if they can act sufficiently long to put it, which should be early in the year, then they will realise that it is being dealt with by this House in a competent and timely manner and not being rushed as it is a matter of very grave importance to this country.

Thank you.

MR.PRESIDENT: Does any other Honourable Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED: GOVERNMENT MOTION PASSED

MR.PRESIDENT: I think that in accordance with the provisions of Standing Order 69 sub-order (2) it may be helpful if I say that I propose to nominate as Chairman of this Select Committee the Second Official Member of Executive Council.

ADJOURNMENT DEBATE

MR.CHADDOCK EBANKS: Mr.President, with your permission, Sir, we have reached the mile stone of another working year and I must say that I certainly have enjoyed and I certainly appreciate the honour and the privilege of being here in this House over the past 12 months under your leadership as President of this Assembly.

While we have not seen eye to eye all the way, all the time I think we have achieved 80% of our goals we felt were best for the country and I would look forward to the year ahead of us that it will be another year of hard work and great strides, with great things for the country and its people.

I also would like to take the opportunity of extending to you and your family a very, very, Merry and Happy Christmas and a very prosperous New Year, with all good things.

MR. CRADDOCK BRANCH (CONTINUING): At this time I would like to turn my remarks to the Clerk of this Honourable House and her staff. I think just in the past few days what we have experienced in this country for the first time, the celebration of that One Hundred and Fiftieth anniversary of a good Government, the labour and the work that has been accomplished, carried out and finished by the Clerk and her staff is second to none. I feel, Sir, that words cannot find their rightful place to thank them for such a marvellous job done for this country and I would like to thank them on behalf of myself for what they have done for me, helped me and I know I was a bit boring sometimes but they bore it and went along with me, so I thank them and I extend to them as well a beautiful Christmas and a prosperous, golden New Year.

I would also like to thank the Members I have worked with and extend to them and their families a very, blessed Christmas and a prosperous New Year. So I thank you for this opportunity.

I beg pardon, Mr.President, I had intended and I still will, with your permission, five things that I would like to be recorded as we close this another year: there have been indications that feelers are being put out for things to come about in this country that I am not prepared to support because we are getting along with the good, enough bad with it. The first one it has been raised as an issue to try to get through the House we switch to Day-light saving time. I never intend to support it, Sir. The second one, it has been suggested, brought and pushed as it were to reaching a point that we should change our driving habits to the right. If I have been born on the right, I am right, if I have been born on the left, let me stay on the left, so I am going to continue to drive on the left, and I do not have any support for that as well.

Number 3; I do not intend to give any support to any union being established in this country to run the country and its people. I have no support for that either if it ever comes about. Fourth, gambling: that was well aired recently with the intention that Government would be giving consideration, but I have no support to give to it in no stage at all, except 'keep out'. Last, but not least, I am not going to go along with any party system in this Government or this country either. I think our system of Government is well organised and I think we are doing a good job and I do not see that we need it and I do not intend to support a party-system. I would like for this to be all on record. I thank you.

HON. D. H. FOSTER: Mr.President, it is customary at this last session at this particular time, for many of us who have not already, taken the opportunity to wish you and your family a very happy Christmas season and a prosperous New Year, to do so now and I take this opportunity of doing that and also to wish all of my colleagues in this House with whom I have worked very hard this year and have accomplished quite a bit, the very same good wishes for the Christmas and the New Year and we look forward to a new year with close co-operation by all of us and working together, after which we will certainly achieve the goals that we have set.

Having said that, Sir, again I wish you all the best for the coming season.

CAPT. CHARLES L. KIRKCONNELL: Mr President, as most of the other Members have wished you a Merry and Merry Christmas, , I did not say anything before in my speech because I knew the time was coming when we would each be given the opportunity to wish you well for the

CAPT. CHARLES L. KIRKCONNELL(CONTINUING): Christmas and for the coming year. I would like you to extend this to Mrs. Lloyd, your children, your mother-in-law and your mother, whom I understand will be with you for the Christmas.

I know that 1992 is not over yet it has been a year of concern. There are many of us who are still concerned; I pray day and night that our Islands will be spared and that 1993 will not have the worry which I consider has been thrust on this country unnecessarily. I hope that 1993 will see the crisis periods of this Government at an end and that each and every one will consider what they are doing before they rush headlong into any matter and make rash decisions, then bring the country into a state of confusion and concern.

I shall do my utmost to support the Government and will support it whenever I feel that it is right; this has been my policy from the beginning and my policy will continue to be that. Whenever in my opinion the Government is right they will have my support one hundred percent. Whenever the Government are making a mistake, or I think they are making a mistake, I will oppose this to the bitter end. This has been my policy and I will continue to maintain this policy. I am here to fight for the good of one and all and for the betterment of the Cayman Islands as a whole.

I would like to thank the Clerk and her assistant for all they have done for us during this year; they have been very co-operative and as usual very efficient in their work and I give them much credit for this and I thank them for all that they have done.

I would also like to thank the Serjeant-at-Arms for the able manner in which he has conducted or helped conduct the affairs of this House and I would like to wish them, both the Clerk and the Clerk Assistant and the Serjeant-at-Arms a Happy Christmas and a very happy and prosperous New Year.

In conclusion, Sir, I would like to say to all Members of this House that I wish them and their families a very happy, prosperous and healthy 1993.

Thank you, Sir.

HON. D. E. FOSTER: Mr. President, as it appears that there are no more speakers, I will move that the House do now adjourn sine die.

MR. PRESIDENT: Perhaps before I put the motion formally to the House Members will bear with me for a moment if I say to them how grateful I am for the kind wishes that a number have offered to me and to my family on behalf of Members here.

Perhaps I may say too that it has been for us a memorable year; we have been here almost a full year now, eleven months and it has been one of the most rewarding and agreeable periods of our lives. We are truly grateful to you all and to all Caymanians and all people living here for the courtesy and friendliness that we have always been offered.

It has been a memorable year, too, for the Islands particularly for the Legislative Assembly in that it has seen the celebrations so recently of one hundred and fifty years of Parliamentary Government.

Next year I think may perhaps be more memorable still because when we next meet in just over two months' time we shall have the joy of welcoming the Queen Herself

MR. PRESIDENT (CONTINUING): . to open our proceedings, and that indeed will be an historic event that I am sure will give enormous pleasure, not only to all of us here, but to everyone in the Islands.

So perhaps with those few remarks and with an endorsement of the thanks and congratulations that some Members have expressed already to the staff who serve us in this Assembly, I may close by offering to all of you our warmest good wishes for Christmas and for the New Year.

I shall look forward then to continuing to preside over your proceedings, even though you all know my feeling that perhaps the time may come when you should choose a Speaker. I shall naturally be guided by your wishes and if you wish me to continue here will come with pleasure and will rise with gratitude to you for the admirable way in which you have made it easy for me to control proceedings without the use of this handsome implement that was presented to us recently.

Thank you all, a Merry Christmas to you all, a prosperous New Year to you all and may I put the question.

QUESTION PUT. AGREED: AT 3.40 P.M. THE HOUSE ADJOURNED SINE DIE.